# Journal of the Senate

FIRST REGULAR SESSION

## SIXTY-FIFTH DAY—THURSDAY, MAY 9, 2013

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"You have made us for yourself and our hearts are restless until they rest in you." (St. Augustine)

Dear Lord, this week has been filled with so many activities, some exciting, some perplexing but all crammed with final decisions to be made. Continue to bless our efforts so understanding and compromise for the greatest good is made and we can leave this place content we have done our very best as You have directed us. Watch our going out and coming in so we may arrive safely home to find rest and peace with those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |
| Wasson—33 | | | | | | | |

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Wasson offered Senate Resolution No. 949, regarding the Ninetieth Birthday of Jessie Davis, Rogersville, which was adopted.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 436** and has taken up and passed **SCS** for **HCS** for **HB 436**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 90**, entitled:

An Act to repeal sections 52.010, 54.040, 54.330, 77.030, 78.090, 115.003, 115.005, 115.007, 115.124, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, and 115.601, RSMo, and to enact in lieu thereof twenty-five new sections relating to elections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 90, Page 14, Section 115.493, Line 3, by enclosing in brackets the word: "twelve" on said Line and inserting immediately thereafter the phrase:

"**twenty-two**"; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 78.090, Line 23, by inserting after all of said line the following:

"79.070. No person shall be an alderman unless he or she is at least **[**twenty-one**] eighteen** years of age, a citizen of the United States, and an inhabitant and resident of the city for one year next preceding his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected."; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 90, Page 15, Section 115.601, Line 48, by inserting after all of said Section and Line the following:

"116.030. The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County .....

Page No. .....

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

PETITION FOR REFERENDUM

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. .... entitled (title of law), passed by the ..... general assembly of the state of Missouri, at the ..... regular (or special) session of the ..... general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ....., unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and ..... County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name. **Ballot title goes here. .....**

CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of .....

I, ....., being first duly sworn, say (print or type names of signers)

| NAME (Signature) | DATE SIGNED | REGISTERED VOTING ADDRESS (Street)(City, Town or Village) | ZIP CODE | CONGR. DIST. | NAME (Printed or typed) |
|---|---|---|---|---|---|
| | (Here follow numbered lines for signers) | | | | |

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County.

**FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.**

**I am at least 18 years of age. I do .... do not .... (check one) expect to be paid for circulating this petition. If paid, list the payer .....**

.....

Signature of Affiant

(Person obtaining signatures)

**(Printed Name of Affiant)**

.....

Address of Affiant

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

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires .....

If this form is followed substantially and the requirements of section 116.050 **and section 116.080** are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.040. The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County .....

Page No. .....

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ....., and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and ..... County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name. **Ballot title goes here. .....**

CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of .....

I, ....., being first duly sworn, say (print or type names of signers)

| NAME (Signature) | DATE SIGNED | REGISTERED VOTING ADDRESS (Street)(City, Town or Village) | ZIP CODE | CONGR. DIST. | NAME (Printed or typed) |
|---|---|---|---|---|---|
| | | (Here follow numbered lines for signers) | | | |

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County.

**FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.**

**I am at least 18 years of age. I do .... do not .... (check one) expect to be paid for circulating this petition. If paid, list the payer .....**

.....

Signature of Affiant

(Person obtaining signatures)

**(Printed Name of Affiant)**

.....

Address of Affiant

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

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires .....

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

116.080. 1. Each petition circulator shall be at least eighteen years of age and registered with the secretary of state. **No person shall qualify as a petition circulator who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of this state or an offense under the laws of any other jurisdiction if that offense would be considered forgery under the laws of this state [**Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not

be counted.

2. Each petition circulator shall supply the following information to the secretary of state's office:

(1) Name of petition;

(2) Name of circulator;

(3) Residential address, including street number, city, state and zip code;

(4) Mailing address, if different;

(5) Have you been or do you expect to be paid for soliciting signatures for this petition?

☐ YES ☐ NO;

(6) If the answer to subdivision (5) is yes, then identify the payor;

(7) Signature of circulator.

3. The circulator information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT**]**.

**[**4.**] 2.** Each petition circulator shall subscribe and swear to the proper affidavit on each petition page such circulator submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official signature and affix his or her official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his or her presence.

**[**5.**] 3.** Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

**116.115. Any person who submits a sample sheet to or files an initiative petition with the secretary of state may withdraw the petition upon written notice to the secretary of state. If such notice is submitted to the secretary of state, the proposed petition shall no longer be circulated by any person, committee, or other entity. The secretary of state shall vacate the certification of the official ballot title within three days of receiving notice of the withdrawal.**

**116.153. Within thirty days of issuing certification that the petition contains a sufficient number of valid signatures pursuant to section 116.150, the joint committee on legislative research shall hold a public hearing in Jefferson City to take public comments concerning the proposed measure. Such hearing shall be a public meeting under chapter 610. Within five business days after the end of the public hearing, the joint committee on legislative research shall provide a summary of the hearing to the secretary of state or his or her designee and the secretary of state shall post a copy of the summary on the website of the office of the secretary of state.**

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the

circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, and for the purposes of section 116.180, the secretary of state shall certify the language which the court certifies to him.

**5. Any action brought under this section that is not fully and finally adjudicated within one hundred eighty days of filing, including all appeals, shall be extinguished, unless a court extends such period upon a finding of good cause for such extension. Such good cause shall consist only of court-related scheduling issues and shall not include requests for continuance by the parties.**

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition, or a referendum petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. When a person submits a sample sheet of a petition he or she shall designate to the secretary of state the name and address of the person to whom any notices shall be sent pursuant to sections 116.140 and 116.180. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

2. **Within two business days of receipt of any such sample sheet, the office of the secretary of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating that such text may not constitute the full and correct text as required under section 116.050, and the name of the person or organization submitting the sample sheet. The posting shall be removed within three days of either the withdrawal of the petition under section 116.115 or the rejection for any reason of the petition. The secretary of state's failure to comply with this section shall be considered a violation**

**under subsection 3 of section 610.027.**

**3.** Upon receipt of a petition from the office of the secretary of state, the attorney general shall examine the petition as to form. If the petition is rejected as to form, the attorney general shall forward his or her comments to the secretary of state within ten days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward his or her approval as to form to the secretary of state within ten days after receipt of the petition by the attorney general.

**[**3.**] 4.** The secretary of state shall review the comments and statements of the attorney general as to form and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within **[**thirty**] fifteen** days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within **[**thirty**] fifteen** days after submission of the petition sheet.

116.334. 1. If the petition form is approved**,** the secretary of state shall **make a copy of the sample petition available on the secretary of state's website and refer a copy of the sample petition to the state auditor for purposes of preparing a fiscal note summary. For a period of fifteen days after the petition is approved as to form, the secretary of state shall accept public comments regarding the proposed measure and provide copies of such comments upon request.** Within **[**ten**] twenty-three** days **of receipt of such approval, the secretary of state shall** prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. Signatures obtained prior to the date the official ballot title is certified by the secretary of state shall not be counted.

**3. Signatures for statutory initiative petitions shall be filed not later than six months prior to the general election during which the petition's ballot measure is submitted for a vote, and shall also be collected not earlier than the day after the day upon which the previous general election was held.**

Section B. The provisions of this act are severable. If any provision of this act is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions are valid except to the extent that the court finds the valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the will of the people."; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said Section and Line the following:

"115.017. There shall be a board of election commissioners:

(1) In each county which has or hereafter has over nine hundred thousand inhabitants;

(2) In each city not situated in a county;

(3) [In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated

in more than one county;

(4)] In each county of the first classification containing any part of a city which has over three hundred thousand inhabitants; provided that the county commission of a county which becomes a county of the first classification after December 31, 1998, may, prior to such date, adopt an order retaining the county clerk as the election authority. The county may subsequently establish a board of election commissioners as provided in subdivision [(5)] **(4)** of this section;

[(5)] **(4)** In each county of the first class which elects to have such a board through procedures provided in section 115.019.

115.021. 1. [In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county, the board of election commissioners for the city shall have jurisdiction in that part of the city situated in the county containing the major portion of the city.

2. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, the board of election commissioners shall have jurisdiction in that part of the county outside the city.

3.] In each city not situated in a county, the board of election commissioners shall have jurisdiction throughout the city.

[4.] **2.** In all other counties, the election authority shall have jurisdiction throughout the county.

**3. In each county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government, the board of election commissioners shall have jurisdiction throughout such area.**

115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

**3. Notwithstanding the provisions of subsection 1 of this section to the contrary, in each county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government, the board of election commissioners shall be composed of the**

**chairperson and vice chairperson of each of the following board of election commissioners holding office at the time of the enactment of this subsection until such commissioners are appointed pursuant to subsection 1 of section 115.029:**

**(1) The board of election commissioners that, at the time of the enactment of this subsection, has jurisdiction in the part of a home rule city with more than four hundred thousand inhabitants and located in more than one county that is situated in the county containing the major portion of the city; and**

**(2) The board of election commissioners that, at the time of the enactment of this section, has jurisdiction in the part of a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants that is located outside of the city referenced in subdivision (1) of this subsection.**

115.029. 1. In each county [of the first class containing the major portion of a city which has more than three hundred thousand inhabitants] **with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and the portion of a home rule city with more than four hundred thousand inhabitants and located in more than one county, that is located in such county with a charter form of government**, each election commissioner shall be appointed [on April 21, 1982,] for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

2. In each county containing a portion but not the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on June 15, 1981, for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn. The first two election commissioners appointed after May 10, 1994, shall be appointed for terms of two years and until their successors are appointed, confirmed and sworn. One of those appointed to a two-year term shall be a member of one major political party and one shall be a member of the other major political party.

The next two election commissioners appointed, and all successors, shall be appointed for terms of four years and until their successors are appointed, confirmed and sworn.

3. In all other cities and counties which have or hereafter have a board of election commissioners, each commissioner's term of office shall coincide with the term of the governor who appoints him and until the commissioner's successor is appointed, confirmed and sworn."; and

Further amend said bill, Section 115.300, Page 8, Line 8, by inserting after all of said

Section and Line the following:

"115.353. All declarations of candidacy shall be filed as follows:

(1) For presidential elector, United States senator, representative in Congress, statewide office, circuit judge not subject to the provisions of article V, section 25 of the Missouri Constitution, state senator and state representative, in the office of the secretary of state;

(2) For all county offices which for the purpose of election procedures shall include associate circuit judges not subject to the provisions of article V, section 25 of the Missouri Constitution, in the office of the county election authority;

(3) For all county offices, in the office of the county election authority. In any county in which there [are two boards] **is a board** of election commissioners, the [county clerk] **board of elections** shall be deemed to be the election authority for purposes of this section."; and

Further amend said bill, Section 115.601, Page 15, Line 48, by inserting after all of said section and line the following:

"115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person's election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. **No person who is an employee of a county, with the exception of a person elected to public office in such county, or has any contractual relationship with such county shall be elected to, or serve on, the county committee of such county unless such election or commencement of service occurs on or before November 4, 2013.** Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4. In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the

county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

7. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election."; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 90, Page 3, Section 77.030, Line 27, by inserting after all of said line the following:

"**77.675. 1. In addition to the process for passing ordinances provided in section 77.080, the council of any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants may adopt or repeal any ordinance by passage of a bill that sets forth the ordinance and specifies that the ordinance so proposed shall be submitted to the registered voters of the city at the next municipal election. The bill shall be passed under the procedures in section 77.080, except that it shall take effect upon approval of a majority of the voters rather than upon the approval and signature of the mayor.**

**2. If the mayor approves the bill and signs it, the question shall be submitted to the voters in substantially the following form:**

**Shall the following ordinance be (adopted) (repealed)? (Set out ordinance.)**

**☐ YES ☐ NO**

**3. If a majority of the voters voting on the proposed ordinance vote in favor, such ordinance shall become a valid and binding ordinance of the city.**"; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said Section and Line the following:

"115.121. 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the **[**first**]** **third** Tuesday after the first Monday in **[**August**]** **June** of even-numbered years.

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the general municipal election day.

4. In addition to the primary election day provided for in subsection 2 of this section, for the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary election day for the purpose of permitting school districts and other political subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district or other political subdivision voting thereon, to provide funds for the acquisition, construction, equipping, improving, restoration, and furnishing of facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the like which occurred during the month of April or May, 2003.

5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or agency calling an election on the first Tuesday after the first Monday of August, 2003, shall notify the election authorities responsible for conducting the election not later than 5:00 p.m. on the sixth Tuesday prior to the election. For purposes of any such election, all references in section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth Tuesday prior to such election.

6. In addition to the general election day provided for in subsection 1 of this section, for the year 2009 the first Tuesday after the first Monday in November shall be a general election day for the purpose of permitting school districts to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district, to provide funds for school districts to acquire, construct, equip, improve, restore, and furnish public school facilities in accordance with the provisions of Section 54F of the Internal Revenue Code of 1986, as amended, which provides for qualified school construction bonds and the provisions of Section 54AA of the Internal Revenue Code of 1986, as amended, which provides for build America bonds, as well as in accordance with the provisions of Section 103 of the Internal Revenue Code of 1986, as amended, which provides for traditional government bonds."; and

Further amend said bill, Section 115.300, Page 8, Line 8, by inserting after all of said Section and Line the following:

"115.341. For the nomination of candidates to be elected at the next general election, a primary election shall be held on the **[**first**]** **third** Tuesday after the first Monday in **[**August**]** **June** of even-numbered years.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the **[**last**]** **first** Tuesday in **[**March**]** **February** immediately preceding the primary election.

2. No declaration of candidacy for nomination in a primary election shall be accepted for filing prior to 8:00 a.m. on the **[**last**]** **second** Tuesday in **[**February**]** **January** immediately preceding the primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the candidate's full name, residence address, office for which such candidate proposes to be a candidate, the party ticket on

which he or she wishes to be a candidate and that if nominated and elected he or she will qualify. The declaration shall be in substantially the following form: I, ....., a resident and registered voter of the county of ..... and the state of Missouri, residing at ....., do announce myself a candidate for the office of ..... on the ..... party ticket, to be voted for at the primary election to be held on the .... day of ....., ..., and I further declare that if nominated and elected to such office I will qualify.

| | |
|---|---|
| ..... | Subscribed and sworn to |
| Signature of candidate | before me this ..... day |
| | of ....., ..... |
| ..... | ..... |
| Residence address | Signature of election |
| | official or other officer |
| | authorized to administer oaths |

.....

Mailing address (if different)

..... Telephone Number (Optional)

If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his or her declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths."; and

Further amend said bill, Section 115.601, Page 15, Line 48, by inserting after all of said Section and Line the following:

"Section B. The repeal and reenactment of sections 115.121, 115.341, and 115.349 of section A of this act shall become effective on January 1, 2016."; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 78..090, Line 23, by inserting after said line the following:

"**96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:**

**(1) Is organized and operated under this chapter;**

**(2) Has not accepted appropriated funds from the city during the prior twenty years; and**

**(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120, shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.**

**2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the**

**incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:**

**"Shall the city council of ....., Missouri and the board of trustees of ..... hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of ..... hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?"**

**A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.**

**3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.**

**4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.**

**5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest."**; and

Further amend said bill, Page 15, Section 115.601, Line 48 by inserting after said line the following:

Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage its passage and approval."; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 90, Page 1, Section A, Line 7, by inserting after all of said line the following:

"11.010. The official manual, commonly known as the "Blue Book", compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state or a designated employee of the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or rearrangement of any part of any report, or other document, required to be printed at the expense of the state which has been submitted to and rejected by him or her as not suitable for publication in the manual.

**11.025. Notwithstanding any other provision of law, the secretary of state may enter into an agreement directly with a nonprofit organization for such nonprofit organization to print and distribute copies of the official manual. The secretary of state shall provide to the organization the electronic version of the official manual prepared and published under this chapter. The nonprofit organization shall charge a fee for a copy of the official manual to cover the cost of production and distribution.**"; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 90, Page 5, Section 115.124, Line 41, by inserting after all of said section and line the following:

"115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration. **Any documentation presented under this subsection must contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted.**

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote."; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 90, Section 115.300, Page 8, Line 8, by inserting after all of said Line the following:

"115.342. 1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

..... Candidate's Signature

..... Printed Name of Candidate.

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

**4. No person shall be appointed to any public office if the person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, or any county or municipal taxes or user fees.**

115.346. **1.** Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.

**2. No person shall be appointed to any public office if the person is delinquent in the payment of**

**any state income taxes, personal property taxes, real property taxes on the place of residence, or any county or municipal taxes or user fees.**"; and

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

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 90, Page 1, In the Title, Line 4, by inserting after "RSMo," the following: "and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after "RSMo," the following: "and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session,"; and

Further amend said bill, Page 3, Section 77.030, Line 27, by deleting the words "**the adoption of the ordinance or**"; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting after all of said line the following:

**"[**77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

**3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.**

**(2) The ballot of submission shall be in substantially the following form:**

**Shall the terms of council members which are currently set at two years in..... (city) be extended to four years for members elected after August 28, 2013?**

**☐ YES ☐ NO**

**(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under**

**subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.]**a"; and

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

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 115.007, Line 3, by inserting after all of said Section and Line the following:

"115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

**3. The governor shall not make any appointment, during the legislative interim, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants. The term of service of any such individual appointed to serve as an election commissioner under this section in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants prior to the effective date of this section shall terminate as of the effective date of this section.**"; and

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

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 90, Section 115.601, Page 15, Line 48, by inserting after all of said Line the following:

"**205.207. 1. The governing body of any county of the third classification without a township form of government and with more than sixteen thousand but fewer than eighteen thousand inhabitants and with a city of the third classification with more than eight thousand but fewer than nine thousand inhabitants as the county seat, that operates a hospital established under this chapter may, by resolution, abolish the property tax authorized to fund the county under this chapter and impose a sales tax on all retail sales made within the county which are subject to under chapter 144. The tax authorized in this section shall be not more than two percent, and shall be imposed solely for the purpose of funding the county hospital. 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.**

**2. No such resolution adopted under this section shall become effective unless the governing body**

**of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section. 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 after the director of revenue receives notification of adoption of the local sales tax. 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 the county hospital, 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 "County Hospital 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 fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special 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. The governing body of any county 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 county. 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 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.**

**5. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the county equal to at least ten percent of the number of registered voters of the county 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 county 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.**

**6. 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 county 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 county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.**"; and

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

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 90, Section 54.330, Page 2, Line 22, by inserting after all of said Line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the** Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a **[**verified**] notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person,

by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

**4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

**5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of adoption of the annexation ordinance.**

71.014. **1.** Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon **[**verified**]** **notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

**2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.**

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection**[**, etc.**]**;

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway

shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision**

**(2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of the adoption of the annexation ordinance.**"; and

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

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 90, Page 2, Section 54.330, Line 22, by inserting after all of said line the following:

"71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds or trash to be a nuisance and order the same to be abated within five days; and in case the weeds or trash are not removed within the five days, the marshal or other designated city official shall have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated within five business days after the hearing and if such weeds or trash are not removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the City of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, or in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, the marshal or other designated city official may order that the weeds or trash be abated within five business days after notice is sent to or posted on the property. In case the weeds or trash are not removed within the five days, the marshal or other designated city official may have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the City of St. Louis, in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, in any fourth class city located in a county of the first classification with a charter form of government and a population of less than three hundred thousand, in any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, in any third class city with a population of at least ten thousand inhabitants but less than fifteen thousand inhabitants with the greater part of the population located in a county of the first classification, in any city of the third classification with more than sixteen thousand nine hundred but less than seventeen thousand inhabitants, **[**or**]** in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants, **in any city of the fourth classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants, or in any city of the third classification with more than fifteen thousand but fewer than seventeen thousand inhabitants and located in any county of the first classification with more than sixty-five thousand but fewer than seventy-five thousand inhabitants,** the marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds or trash, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill."; and

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

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 90, Page 15, Section 115.601, Line 48, by inserting after said line the following:

"247.060. 1. The management of the business and affairs of the district is hereby vested in a board of directors, who shall have all the powers conferred upon the district except as herein otherwise provided. It shall be composed of five members, each of whom shall be a voter of the district and shall have resided in said district one whole year immediately prior to his **or her** election**[**, or if not a voter or resident of said district, shall have received service from the district at his or her primary place of residence one whole year immediately prior to his or her election**]**. A member shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his election. Except as provided in subsection 2 of this section, the term of office of a member of the board shall be three years. The remaining members of the board shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives in the subdistrict for which there is a vacancy is willing to serve on the board, the board may appoint an otherwise qualified person who lives in the district but not in the subdistrict in which the vacancy exists to fill such vacancy.

2. After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.

3. The initial members of the board shall be appointed by the circuit court and one shall serve until the immediately following first Tuesday after the first Monday in April, two shall serve until the first Tuesday after the first Monday in April on the second year following their appointment and the remaining appointees shall serve until the first Tuesday after the first Monday in April on the third year following their appointment. On the expiration of such terms and on the expiration of any subsequent term, elections shall be held as otherwise provided by law, and such elections shall be held in April pursuant to section 247.180.

4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first Tuesday after the first Monday in June until the first Tuesday in April of the third year following the year of their election. All directors elected thereafter shall serve from the first Tuesday in April until the first Tuesday in April of the third year following the year of their election.

5. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a member shall not be paid for attending more than four meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the president of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.

6. In no event, however, shall a board member receive any attendance fees or additional compensation

authorized in subsection 5 of this section until after such board member has completed a minimum of six hours training regarding the responsibilities of the board and its members concerning the basics of water treatment and distribution, budgeting and rates, water utility planning, the funding of capital improvements, the understanding of water utility financial statements, the Missouri sunshine law, and this chapter.

7. The circuit court of the county having jurisdiction over the district shall have jurisdiction over the members of the board of directors to suspend any member from exercising his or her office, whensoever it appears that he or she has abused his or her trust or become disqualified; to remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or to restrain and prevent any alienation of property of the district by members, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the district.

8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member of the board, or at the instance of any ten voters residing in the district who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of. An appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.

247.080. 1. The exercise of the powers conferred upon the district by sections 247.010 to 247.220 shall be by its board of directors, acting as a board.

2. The board shall have power and it shall be its duty to employ necessary help and to contract for such professional service as the demands of the district require in creating and operating a waterworks system contemplated in this law, and shall pay out of the funds of the district available for such purposes reasonable compensation for the service rendered. It shall have made by a competent accountant an annual audit of the receipts and expenditures of the district. All persons employed shall serve for an indefinite term and at the will of the board, and party politics shall not enter into the selection of employees.

3. The board shall have regular monthly meetings and the president thereof may call special meetings as occasion requires. It shall establish an office for its meeting place and for the transaction of business.

4. All persons charged with handling of funds shall be required to give bond to be fixed and approved by the board, but at the expense of the district.

5. All contracts made by the district shall conform to **[**law**]** **section 432.070** governing contracts **[**of other municipal corporations**]**. It shall have power to authorize and enter into all contracts in behalf of the district, and shall provide an official seal for district, and all official documents shall be attested by the seal."; and

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

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 90, Page 4, Section 78.090, Line 23, by inserting after all of said section and line the following:

"**96.155. 1. The board of trustees of a hospital established under this chapter, with the concurrence of the council of the city of the third class, may, by resolution, abolish the property tax authorized by section 96.150 to fund the operations of a hospital in accordance with sections 96.150 to 96.228 and impose a sales tax on all retail sales made within the city which are subject to sales tax under chapter**

**144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the operations of a hospital under sections 96.150 to 96.228. 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.**

**2. No such resolution adopted under this section shall become effective unless the board of trustees of such a hospital submits to the voters residing within the city of the third class at a state general, primary, or special election a proposal to authorize the board of trustees to impose a tax under this section. If two-thirds 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 after the director of revenue receives notification of adoption of the local sales tax. If less than two-thirds of the votes cast on the question by the qualified voters voting thereon are in favor of 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 two-thirds 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 the hospital operated under sections 96.150 to 96.228, 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 "City of the Third Class City Hospital 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 fund and credited to the board of trustees of the city hospital for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such board of trustees. Any funds in the special 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. The board of trustees of a hospital operated under sections 96.150 to 96.228 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 of the third class. 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 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.**

**5. Whenever the board of trustees of a hospital operated under sections 96.150 to 96.228 that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city of the third class equal to at least ten 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 board of trustees shall submit to the voters of the city of the third class 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.**

**6. 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 board of trustees 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 of the third class, the director shall remit the balance in the account to the district and close the account of that city hospital. The director shall notify each board of trustees of each instance of any amount refunded or any check redeemed from receipts due the hospital operated under sections 96.150 to 96.228.**"; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting after all of said section and line the following:

"144.032. The provisions of section 144.030 to the contrary notwithstanding, any city imposing a sales tax under the provisions of sections 94.500 to 94.570 **or sections 96.150 to 92.228**, or any county imposing a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax under the provisions of sections 67.500 to 67.729 **or section 205.205, or any hospital district imposing a sales tax under the provisions of section 206.165**, or any hospital district imposing a sales tax under the provisions of section 205.205 may by ordinance impose a sales tax upon all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only. Such tax shall be administered by the department of revenue and assessed by the retailer in the same manner as any other city, county, or hospital district sales tax. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the state sales tax under the provisions of section 144.030.

205.205. 1. The governing body of any **[**hospital district**] county which has** established **a county hospital** under sections 205.160 to 205.379 **[**in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants or any county of the third classification without a township form of government and with more than eleven thousand seven hundred fifty but fewer than eleven thousand eight hundred fifty inhabitants**]** may, by resolution, abolish the property tax authorized **[**in such district**] by section 205.200 to fund a county hospital** under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall be not more than one percent, and shall be imposed solely for the purpose of funding the **county** hospital **[**district**]**. 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.

2. No such resolution adopted under this section shall become effective unless the governing body of the **[**hospital district**] county** submits to the voters residing within the **[**district**] county** at a state general,

primary, or special election a proposal to authorize the governing body of the **[**district**] county** to impose a tax under this section. 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 after the director of revenue receives notification of adoption of the local sales tax. 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 the **county** hospital **[**district**]**, 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 "**County** Hospital **[**District**]** 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 fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special 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. The governing body of any **[**hospital district**] county** 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 district. 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 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.

5. Whenever the governing body of any **[**hospital district**] county** that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the **[**district**] county** equal to at least ten percent of the number of registered voters of the **[**district**] county** 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 **[**district**] county** 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.

6. 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 **[**hospital district**] county** 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 district, the director shall remit the balance in the account to

the **[**district**]** **county** and close the account of that **[**district**]** **county**. The director shall notify each **[**district**]** **county** of each instance of any amount refunded or any check redeemed from receipts due the **[**district**]** **county**.

**7. The levy of a sales tax by a county under this section or section 205.202 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the county.**

**206.165. 1. The governing body of any hospital district established under sections 206.010 to 206.160 may, by resolution, abolish the property tax authorized in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144 and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use only as provided under section 144.032. The tax authorized in this section shall not be more than one percent, and shall be imposed solely for the purpose of funding the hospital district. 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.**

**2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. 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 after the director of revenue receives notification of adoption of the local sales tax. 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 the hospital district, 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 "Hospital District 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 fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special 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. The governing body of any hospital district 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 district. 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 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.**

**5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district 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 district 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.**

**6. 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 hospital district 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 district, the director shall remit the balance in the account to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.**

**7. The levy of a sales tax by a hospital district under section 205.205 shall be deemed to comply with the requirements of this section if it was approved prior to January 1, 2012, by the voters of the hospital district.**"; and

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

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 90, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section**, and shall be imposed on all transactions on which the Missouri state sales tax is imposed**.

3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute

a part of the price, and 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. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. **(1)** The ordinance or order imposing a local sales tax under the local sales tax law shall impose **a tax** upon all **[**sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail**] transactions upon which the Missouri state sales tax is imposed** to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

**(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have previously approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2016, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:**

**Shall the ..... (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer? Approval of this measure will result in a reduction of local revenue to provide for vital services for ..... (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.**

**☐ YES ☐ NO**

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

**(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2016, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.**

**(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting**

**thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.**

**(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2016, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.**

**(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.**

**(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2017.**

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained 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 any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent

of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. 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 the local sales tax law, 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 any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors **required to be titled under the laws of the state of Missouri**, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, **the sales tax upon the titling of** all **[**sales of**]** motor vehicles, trailers, boats, and outboard motors shall be **[**deemed to be consummated**] imposed** at the **rate in effect at the location of the** residence of the purchaser**, and remitted to that local taxing entity** and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes **[**imposed pursuant to the local sales tax law**] shall not be imposed on the seller [**on the purchase and sale**]** of motor vehicles, trailers, boats, and outboard motors **[**shall not be collected and remitted by the seller,**] required to be titled under the laws of the state of Missouri**, but shall be collected **from the purchaser** by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose

behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax."; and

Further amend said bill, Page 15, Section 115.601, Line 48, by inserting immediately after said line the following:

"144.020. 1. A tax is hereby levied and imposed **for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except**

**as provided in subdivision (9) of this subsection,** upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, **[**including but not limited to**]** **excluding** motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors **required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection**, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers.

Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

**(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.**

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.".

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020 **and for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri**. **Except as otherwise provided,** the primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles, trailers, boats and outboard motors **under the laws of Missouri** shall be **[**deemed to be consummated**] imposed** at the **rate in effect at the location of the** address of the owner thereof, and all **sales taxes associated with the titling of vehicles under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard motors **[**subject to sales taxes under this chapter**]** shall be **[**deemed to be consummated**] imposed at the rate in effect,** unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement at the **location of the** address of the lessee thereof on the date the lease is consummated, and all applicable sales taxes levied by any political subdivision shall be collected **and remitted** on such sales **from the purchaser or lessee** by the state department of revenue on that basis.

144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **any [**the sales or use**]** tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor vehicle, trailer, boat or outboard motor shall be entitled to a refund of any **[**sales or use**]** tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county **[**sales or use**]** tax refunds shall be deducted by the director of revenue from the

next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed.

5. As used in this section, the term "boat" includes all motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010.

144.440. 1. **[**In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to four percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri.

2.**]** At the time the owner of any **[**such**]** motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

**[**3.**] 2.** In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

**[**4.**] 3.** No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

**[**5.**] 4.** The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a **[**use**] sales** tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A **[**use**] sales** tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

**[**6.**] 5.** In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a **[**use**] sales** tax**[**,**]** all of its lease receipt**s** would be subject to the **[**use**] sales** tax**[**,**]** regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

**[**7.**] 6.** The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured home, boat, or outboard motor in any other state and seeks to register or obtain a certificate of title for it in this state shall be credited with the amount of any sales tax or use tax shown to have been previously paid by him on the purchase price of such motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed by **subdivision (9) of**

**subsection 1 of** section **[**144.440**] 144.020** shall not apply:

(1) **[**To motor vehicles, trailers, boats, or outboard motors on account of which the sales tax provided by sections 144.010 to 144.510 shall have been paid;

(2)**]** To motor vehicles, trailers, boats, or outboard motors brought into this state by a person moving any such vehicle, trailer, boat, or outboard motor into Missouri from another state who shall have registered and in good faith regularly operated any such motor vehicle, trailer, boat, or outboard motor in such other state at least ninety days prior to the time it is registered in this state;

**[**(3)**] (2)** To motor vehicles, trailers, boats, or outboard motors acquired by registered dealers for resale;

**[**(4)**] (3)** To motor vehicles, trailers, boats, or outboard motors purchased, owned or used by any religious, charitable or eleemosynary institution for use in the conduct of regular religious, charitable or eleemosynary functions and activities;

**[**(5)**] (4)** To motor vehicles owned and used by religious organizations in transferring pupils to and from schools supported by such organization;

**[**(6)**] (5)** Where the motor vehicle, trailer, boat, or outboard motor has been acquired by the applicant for a certificate of title therefor by gift or under a will or by inheritance, and the tax hereby imposed has been paid by the donor or decedent;

**[**(7)**] (6)** To any motor vehicle, trailer, boat, or outboard motor owned or used by the state of Missouri or any other political subdivision thereof, or by an educational institution supported by public funds; or

**[**(8)**] (7)** To farm tractors.

144.455. The tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**] 144.020** on **the titling of** motor vehicles and trailers is levied for the purpose of providing revenue to be used by this state to defray in whole or in part the cost of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, roads and streets of this state, and the cost and expenses incurred in the administration and enforcement of **subdivision (9) of subsection 1 of section 144.020 and** sections 144.440 to 144.455, and for no other purpose whatsoever, and all revenue collected or received by the director of revenue from the tax imposed by **subdivision (9) of subsection 1 of** section **[**144.440**] 144.020** on motor vehicles and trailers shall be promptly deposited **[**in the state treasury to the credit of the state highway department fund**] as dictated by article IV, section 30(b) of the Constitution of Missouri**.

144.525. Notwithstanding any other provision of law, the amount of any state and local sales **[**or use**]** taxes due on the purchase of a motor vehicle, trailer, boat or outboard motor required to be registered under the provisions of sections 301.001 to 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes in effect on the date the purchaser submits application for a certificate of ownership to the director of revenue; except that, in the case of a sale at retail, of an outboard motor by a retail business which is not required to be registered under the provisions of section 301.251, the amount of state and local **[**sales and use**]** taxes due shall be computed on the rate of such taxes in effect as of the calendar date of the retail sale.

144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property**, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020,** purchased on or after the effective date

of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

2. Every person storing, using or consuming in this state tangible personal property **subject to the tax in subsection 1 of this section** is liable for the tax imposed by this law, and the liability shall not be extinguished until the tax is paid to this state, but a receipt from a vendor authorized by the director of revenue under the rules and regulations that he prescribes to collect the tax, given to the purchaser in accordance with the provisions of section 144.650, relieves the purchaser from further liability for the tax to which receipt refers.

**3. Because this section no longer imposes a Missouri use tax on the storage, use, or consumption of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri, in that the state sales tax is now imposed on the titling of such property, the local sales tax, rather than the local use tax, applies.**

144.613. Notwithstanding the provisions of section 144.655, at the time the owner of any new or used boat or boat motor which was acquired after December 31, 1979, in a transaction subject to **[**use**]** tax under **[**the Missouri use tax law**] this chapter** makes application to the director of revenue for the registration of the boat or boat motor, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price, exclusive of any charge incident to the extension of credit, paid by or charged to the applicant in the acquisition of the boat or boat motor, or that no sales or use tax was incurred in its acquisition, and, if **[**sales or use**]** tax was incurred in its acquisition, that the same has been paid, or the applicant shall pay or cause to be paid to the director of revenue the **[**use**]** tax provided by **[**the Missouri use tax law**] this chapter** in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a registration for any new or used boat or boat motor subject to **[**use**]** tax **[**as provided in the Missouri use tax law**] in this chapter** until the tax levied for the use of the same under **[**sections 144.600 to 144.748**] this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale or other transfer of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsection 2 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section **[**144.440**] 144.020**;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state."; and

**Section 1. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act, shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of section 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615, as amended by this act.**

Section B. Because of the detrimental impact that lost local revenues has had on the domestic economy by placing Missouri dealers of motor vehicles, outboard motors, boats and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats and trailers, the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615 and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval."; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 265**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 41**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to private nuisance actions.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 41, Section A, Page 1, Line 2, by inserting the following after all of said Line:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and **the** Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a **[**verified**] notarized** petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-interest community" shall mean a condominium as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" shall be defined as a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present

evidence regarding the proposed annexation.

If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least five percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the county assessor and the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.

**4. That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

**5. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.**

71.014. **1.** Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of six hundred fifty thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon **[**verified**] notarized** petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed. **That a petition requesting annexation is not or was not verified or notarized shall not affect the validity of an annexation heretofore or hereafter undertaken in accordance with this section.**

**2. Any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within three years of the date of adoption of the annexation ordinance.**

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that

the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, **and** refuse collection**[**, etc.**]**;

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding.

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was

a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required. If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court **not later than four years after the effective date of the annexation** by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area. **Except for a cause of action for deannexation under this subdivision (2) of this subsection, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of the adoption of the annexation ordinance.**"; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 41, Page 1, Lines 2-3 in the Title, by deleting the words "private nuisance actions" and inserting in lieu thereof the words "environmental protection"; and

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

"260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, **[**2013**]** **2018**.

260.380. 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators located in Missouri shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required pursuant to section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars per ton or portion thereof of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per generator site per year;

(a) All moneys payable pursuant to the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund created in section 260.391;

(b) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly.

2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January first of each

year, a fee to the department equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-month period ending June thirtieth of the previous year.

3. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee prescribed in this section shall expire December 31, **[**2013**]** **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

260.475. 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) 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;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

(5) Waste oil; or

(6) Hazardous waste that is:

(a) Reclaimed or reused for energy and materials;

(b) Transformed into new products which are not wastes;

(c) Destroyed or treated to render the hazardous waste nonhazardous; or

(d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, all of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste fund.

7. This fee shall expire December 31, **[**2013**]** **2018**, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

444.772. 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the

commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a

permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, **[**2013**]** **2018**. No other provisions of this section shall expire.”; and

Further amend said bill and page, Section 537.291, Line 15, by inserting after all of said section and line the following:

“644.054. 1. Fees imposed in sections 644.052 and 644.053 shall, except for those fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052, become effective October 1, 1990, and shall

expire September 1, **[**2013**]** **2018**. Fees imposed pursuant to subsection 4 and subsections 6 to 13 of section 644.052 shall become effective August 28, 2000, and shall expire on September 1, **[**2013**]** **2018**. The clean water commission shall promulgate rules and regulations on the procedures for billing and collection. All sums received through the payment of fees shall be placed in the state treasury and credited to an appropriate subaccount of the natural resources protection fund created in section 640.220. Moneys in the subaccount shall be expended, upon appropriation, solely for the administration of sections 644.006 to 644.141. Fees collected pursuant to subsection 10 of section 644.052 by a city, a public sewer district, a public water district or other publicly owned treatment works are state fees. Five percent of the fee revenue collected shall be retained by the city, public sewer district, public water district or other publicly owned treatment works as reimbursement of billing and collection expenses.

2. The commission may grant a variance pursuant to section 644.061 to reduce fees collected pursuant to section 644.052 for facilities that adopt systems or technologies that reduce the discharge of water contaminants substantially below the levels required by commission rules.

3. Fees imposed in subsections 2 to 6 of section 644.052 shall be due on the date of application and on each anniversary date of permit issuance thereafter until the permit is terminated.

**[**4. The director of the department of natural resources shall conduct a comprehensive review of the fee structure in sections 644.052 and 644.053. The review shall include stakeholder meetings in order to solicit stakeholder input. The director shall submit a report to the general assembly by December 31, 2012, which shall include its findings and a recommended plan for the fee structure. The plan shall also include time lines for permit issuance, provisions for expedited permits, and recommendations for any other improved services provided by the fee funding.**]**"; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 41, Page 1, Section 537.291, Line 15, by inserting after all of said section and line the following:

"**644.029. The department shall allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. For publicly owned treatment works, schedules of compliance shall be consistent with affordability findings made under section 644.145. For privately owned treatment works, schedules of compliance shall be negotiated with the facilities recognizing their financial capabilities and shall reflect statewide performance expectations. The department shall incorporate new water quality requirements into existing permits at the time of permit renewal unless there are compelling reasons to implement these requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the commission.**

**Section 1. The provisions of section 444.771 shall not apply to any business entity located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat.**"; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 327**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 327, Page 1, Section A, Line 3 by inserting after said line the following:

"478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

**3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.**"; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 33**.

With House Amendment Nos. 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said section and line, 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. 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. 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, or podiatrist; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, or podiatrist 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 his 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. 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 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 her 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. 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. 301, et seq.) subject to appropriation by the general assembly;

(17) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner 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 division of medical services, 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 **[**subsection**] 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. 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. 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. 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. 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. Beginning July 1, 2013, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154, or their successor codes, under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.**"; and

Further amend said bill, Page 3, Section 209.200, Line 23, by inserting after all of said section and line, the following:

"Section B. Because immediate action is necessary to ensure adequate provision of behavior assessment and intervention services under the MO HealthNet program, section 208.152 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 208.152 of section A of this act shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later occurs."; and

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

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said line the following:

"**9.149. December fourth shall be designated as "PKS Day" in Missouri. Pallister-Killian Mosaic Syndrome, commonly known as Pallister-Killian Syndrome or PKS, is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing**

**impairments, seizure disorders, and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. It is recommended to the people of the state that this day be appropriately observed by participating in awareness and educational activities on the symptoms and impact of Pallister-Killian Syndrome and to support programs of research, education, and community service.**"; and

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

HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said line the following:

"208.895. 1. Upon **the** receipt of a [properly completed] referral **for service** for MO HealthNet-funded home- and community-based care [containing a nurse assessment] or **a** physician's order, the department of health and senior services [may] **shall**:

(1) [Review the recommendations regarding services and] Process the referral within fifteen business days;

(2) [Issue a prior-authorization for home and community-based services when information contained in the referral is sufficient to establish eligibility for MO HealthNet-funded long-term care and determine the level of service need as required under state and federal regulations;

(3)] Arrange for the provision of services by [an in-home] **a home- and community-based** provider;

[(4) Reimburse the in-home provider for one nurse visit to conduct an assessment and recommendation for a care plan and, where necessary based on case circumstances, a second nurse visit may be authorized to gather additional information or documentation necessary to constitute a completed referral;

(5) Notify the referring entity upon the authorization of MO HealthNet eligibility and provide MO HealthNet reimbursement for personal care benefits effective the date of the assessment or physician's order, and MO HealthNet reimbursement for waiver services effective the date the state reviews and approves the care plan;

(6)] **(3)** Notify the referring entity within five business days of receiving the referral if additional information is required to process the referral; [and

(7) Inform the provider and contact the individual when information is insufficient or the proposed care plan requires additional evaluation by state staff that is not obtained from the referring entity to schedule an in-home assessment to be conducted by the state staff within thirty days]

**(4) Inform the applicant of:**

**(a) The full range of available MO HealthNet home- and community-based services, including, but not limited to, adult day care services, home-delivered meals, and the benefits of self-direction and agency model services;**

**(b) The choice of home- and community-based service providers in the applicant's area, and that some providers conduct their own assessments, but that choosing a provider who does not conduct assessments will not delay delivery of services; and**

**(c) The option to choose more than one home- and community-based service provider to deliver**

**or facilitate the services the applicant is qualified to receive;**

**(5) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then followed by individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and**

**(6) Notify the referring entity and the applicant within ten business days of receiving the referral if it has not scheduled the assessment**.

2. **If** the department of health and senior services [may contract for initial home- and community-based assessments, including a care plan, through an independent third-party assessor. The contract] **has not complied with subsection 1 of this section, a provider has the option of completing an assessment and care plan recommendation. At such time that the department approves or modifies the assessment and care plan, the care plan shall become effective; such approval or modification shall occur within five business days after receipt of the assessment and care plan from the provider. If such approval, modification, or denial by the department does not occur within five business days, the provider's care plan shall be approved and payment shall begin no later than five business days after receipt of the assessment and care plan from the provider. The department** shall [include a requirement that:

(1) Within fifteen days of receipt of a referral for service, the contractor shall have made a face-to-face assessment of care need and developed a plan of care; and

(2) The contractor] notify the referring entity [within five days] **or individual** of receipt of referral if additional information is needed to process the referral. [The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service. The contract shall be bid under chapter 34 and shall not be a risk-based contract.]

3. The two nurse visits authorized by subsection 16 of section 660.300 shall continue to be performed by home- and community-based **service** providers for including, but not limited to, reassessment and level of care recommendations. [These reassessments and care plan changes shall be reviewed and approved by the independent third-party assessor. In the event of dispute over the level of care required, the third-party assessor shall conduct a face-to-face review with the client in question.]

4. [The provisions of this section shall expire August 28, 2013] **At such time that the department approves or modifies the assessment and care plan, the latest approved care plan shall become effective**.

**5. The department's auditing of home- and community-based service providers shall include a review of the client plan of care and provider assessments, and choice and communication of home- and community-based service provider service options to individuals seeking MO HealthNet services. Such auditing shall be conducted utilizing a statistically valid sample. The department shall also make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.**

**6. For purposes of this section:**

**(1) "Assessment" means a face-to-face determination that a MO HealthNet participant is eligible for home- and community-based services and:**

**(a) Is conducted by an assessor trained to perform home- and community-based care assessments;**

**(b) Uses forms provided by the department;**

**(c) Includes unbiased descriptions of each available service within home- and community-based services with a clear person-centered explanation of the benefits of each home- and community-based service, whether the applicant qualifies for more than one service and ability to choose more than one provider to deliver or facilitate services; and**

**(d) Informs the applicant, either by the department or the provider conducting the assessment, that choosing a provider or multiple providers that do not conduct their own assessments will in no way affect the quality of service or the timeliness of the applicant's assessment and authorization process;**

**(2) A "referral" shall contain basic information adequate for the department to contact the client or person needing service. At a minimum, the referral shall contain:**

**(a) The stated need for MO HealthNet home- and community-based services;**

**(b) The name, date of birth, and Social Security number of the client or person needing service, or the client's or person's MO HealthNet number; and**

**(c) The physical address and phone number of the client or person needing services.**

**Additional information which may assist the department may also be submitted.**

**7. The department shall:**

**(1) Develop an automated electronic assessment care plan tool to be used by providers; and**

**(2) Make recommendations to the general assembly by January 1, 2014, for the implementation of the automated electronic assessment care plan tool.**

**8. At the end of the first year of this plan being in effect, the department of health and senior services shall prepare a report for the appropriation committee for health, mental health and social services or a committee appointed by the speaker to review the following:**

**(1) How well the department is doing on meeting the fifteen-day requirement;**

**(2) The process the department used to approve the assessors;**

**(3) Financial data on the cost of the program prior to and after enactment of this section;**

**(4) Any audit information available on assessments performed outside the department; and**

**(5) The department's staffing policies implemented to meet the fifteen-day assessment requirement.**

**208.960. Health care professionals licensed under chapter 331 shall be reimbursed under the MO HealthNet program for providing services currently covered under section 208.152 and within the scope of practice under section 331.010.**"; and

Further amend said bill, Page 3, Section 209.200, Line 23, by inserting after all of said line the following:

"660.315. 1. After an investigation and a determination has been made to place a person's name on the employee disqualification list, that person shall be notified in writing mailed to his or her last known address that:

(1) An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person’s name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

(1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training;

(5) Is an entity licensed under chapter 197;

(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity.

The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer [who is] **or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250** required to [discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire] **deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and** shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100[.]**, if the employer terminated the employee because the employee:**

**(1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section 660.317;**

**(2) Was placed on the employee disqualification list under this section after the date of hire;**

**(3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;**

**(4) Has a disqualifying finding under this section, section 660.317, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or**

**(5) Was denied a good cause waiver as provided for in subsection 10 of section 660.317.**

**The benefits paid to the employee shall not be attributable to service in the employ of the employer required to discharge an employee under the provisions of this subdivision and shall be deemed as such under the unemployment compensation laws of this state.**

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal."; and

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

HOUSE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 33, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

"**34.470. 1. As used in this section, the following terms shall mean:**

**(1) "Direct labor", all work performed to fulfill a contract under the provisions of this section, excluding supervision and administration;**

**(2) "Qualifying disability", a significant mental or physical impairment, including blindness, that impedes a person who is seeking, entering, or maintaining gainful employment. Such significant disability shall be certified by the division of vocational rehabilitation within the department of elementary and secondary education; the Social Security Administration Title 42, Section 423 of the United States Code; the Social Security Administration Title 42, Section 416(i)(1)(B) of the United States Code; or a person eligible for services from the division of developmental disabilities of the department of mental health;**

**(3) "Qualifying vendor":**

**(a) A person with a qualifying disability;**

**(b) A business or entity, whether for profit or nonprofit, that employs individuals with a qualifying disability, provided such individuals perform at least seventy-five percent of the direct labor hours required to fulfill a state contract for goods or services; or**

**©) Any nonprofit agency serving people with significant disabilities that meets the eligibility criteria to participate in the federal AbilityOne program, or its successor program, as described in 41 U.S.C. Section 46-48c.**

**2. The broad purpose of this legislation is to provide persons with a qualifying disability access to job opportunities in the private sector competitive job market and additional job opportunities for individuals who choose facility-based employment in their community. Notwithstanding any other provision of this chapter to the contrary, the division of purchasing within the office of administration shall set a goal of procuring at least three percent of goods and services from qualifying vendors. The division shall develop and maintain a list of goods and services that are available from qualifying vendors and which such division determines are suitable for procurement from qualifying vendors by departments of the state, approve prices for goods and services identified under this section, review bids received by qualifying vendors, and award and renew contracts for the purchase of goods and services under this section without competitive bidding. Such procurement list, and revision thereof, shall be submitted to the board for approval and, upon approval, be distributed to all purchasing officers of the state, its departments and all political subdivisions. All products or services offered for purchase to a state department or a political subdivision by a qualifying vendor shall have significant value added by blind or significantly disabled persons as determined by the office of administration. Suspected violations of the eligibility criteria for a qualifying vendor may be reported to and shall be investigated by the department of labor and industrial relations.**

**3. Individuals with a qualifying disability shall be paid at least minimum wage for direct labor hours performed in fulfillment of any contract awarded under the provisions of this section.**

**4. The amount of goods and services that may be purchased in accordance with this section shall**

**not exceed twenty-five million dollars.**

**5. It shall be the duty of the office of administration to determine the fair market price of all products and services offered for sale to the various departments of the state by qualifying vendors. The fair market price shall be competitive with the cost of procuring the goods or services from another source; shall, at a minimum, recover for the qualifying vendor the cost of raw materials, labor, overhead, and delivery; and shall be revised from time to time in accordance with changing cost factors. The office of administration may make such rules and regulations necessary to carry out the purposes of this section including specifications, time of delivery, assignment of products and services to be supplied by qualifying vendors, and other relevant matters of procedure. After a contract has been awarded, all state departments as defined in section 34.010 shall purchase the products and services on the procurement list as determined by the office of administration in accordance with this section. The office of administration may authorize the purchase of products and services from other sources when requisitions cannot reasonably be fulfilled by a qualifying vendor.**

**6. In assessing the suitability of any potential addition to the procurement list, the office of administration shall consider the interest of small businesses and businesses owned by disadvantaged persons by determining whether the addition would have a severe adverse impact on the current contractor for the commodity or service. Generally, an impact up to fifteen percent of the total revenue of the contractor would not be deemed severe. However, in deciding whether a proposed addition to the procurement list would have a severe adverse impact on the current contractor, the office of administration shall consider:**

**(1) Financial and employment information provided by the current contractor regarding the impact on the contractor's sales;**

**(2) Whether the contractor has been a consistent supplier of the commodity or service and, therefore, more dependent on such sales; and**

**(3) Any other factor the office of administration deems relevant.**

**7. Except as otherwise provided in this section, all departments shall purchase goods and services produced by a qualifying vendor if:**

**(1) The goods or services offered for sale by a qualifying vendor reasonably conform to the needs and specifications of the department; and**

**(2) The qualifying vendor can supply the goods or services within a reasonable time.**

**8. In furtherance of this act, the Governor may elect to appoint a committee of no fewer than five senior state agency procurement officials, at least one representative of a qualified nonprofit agency for the blind, and one representative of a qualified nonprofit agency for the significantly disabled, and one private citizen to collaborate to further the Act. Such committee will be unpaid, not require appropriation, and would serve in an advisory capacity only.**"; and

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

HOUSE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 33, Page 3, Section 209.200, Line 23, by inserting after all of said section and line the following:

"**210.116. Notwithstanding any other provision of law, no child who is or is suspected to be the victim of abuse and neglect shall be denied access to mental health care and treatment, regardless of the person or entity responsible for the child's care, custody, and control.**

210.160. 1. In every case involving an abused or neglected child which results in a judicial proceeding, the judge shall appoint a guardian ad litem to appear for and represent:

(1) A child who is the subject of proceedings pursuant to sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo, or proceedings to determine custody or visitation rights under sections 452.375 to 452.410, RSMo; or

(2) A parent who is a minor, or who is a mentally ill person or otherwise incompetent, and whose child is the subject of proceedings under sections 210.110 to 210.165, sections 210.700 to 210.760, sections 211.442 to 211.487, RSMo, or sections 453.005 to 453.170, RSMo.

2. The guardian ad litem shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon appointment by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Employees of the division, officers of the court, and employees of any agency involved shall fully inform the guardian ad litem of all aspects of the case of which they have knowledge or belief.

3. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The appointing judge shall have the authority to examine the general and criminal background of persons appointed as guardians ad litem, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are appointed to represent. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

4. The guardian ad litem may be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. However, no fees as a judgment shall be taxed against a party or parties who have not been found to have abused or neglected a child or children. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

5. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. Nonattorney volunteer advocates shall not provide legal representation. The court shall have the authority to examine the general and criminal background of persons designated as volunteer advocates, including utilization of the family care safety registry and access line pursuant to sections 210.900 to 210.937, to ensure the safety and welfare of the children such persons are designated to represent. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person, shall have access to all records of such agencies or persons relating to the child or such child's family members or placements of the child, and upon designation by the court to a case, shall be informed of and have the right to attend any and all family support team meetings involving the child. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

6. Any person appointed to perform guardian ad litem duties shall have completed a training program in**:**

**(1) Child abuse and neglect. The requirement of this subsection shall be satisfied if the guardian ad litem has a degree or significant training and experience in a mental health profession; and**

**(2)** Permanency planning **[**and**]. The guardian ad litem** shall advocate for timely court hearings whenever possible to attain permanency for a child as expeditiously as possible to reduce the effects that prolonged foster care may have on a child.

A nonattorney volunteer advocate shall have access to a court appointed attorney guardian ad litem should the circumstances of the particular case so require."; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 267**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 57**, entitled:

An Act to repeal sections 8.683, 8.685, 71.285, 144.032, and 205.205, RSMo, and to enact in lieu thereof nine new sections relating to certain civil actions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 57, Page 1, In the Title, Line 3, by deleting the word "civil" and inserting in lieu thereof the word "legal"; and

Further amend said bill, Page 11, Section 206.165, Line 68, by inserting after all of said section and line the following:

"313.817. 1. Except as permitted in this section, the licensee licensed to operate gambling games shall permit no form of wagering on gambling games.

2. The licensee may receive wagers only from a person present on a licensed excursion gambling boat.

3. Wagering shall not be conducted with money or other negotiable currency. The licensee shall exchange the money of each wagerer for electronic or physical tokens, chips, or other forms of credit to be wagered on the gambling games. The licensee shall exchange the tokens, chips, or other forms of wagering credit for money at the request of the wagerer.

4. A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted; provided that employees of the licensed operator of the excursion gambling boat who have attained eighteen years of age shall be permitted in the area in which gambling is being conducted when performing employment-related

duties, except that no one under twenty-one years of age may be employed as a dealer or accept a wager on an excursion gambling boat. The governing body of a home dock city or county may restrict the age of entrance onto an excursion gambling boat by passage of a local ordinance.

5. In order to help protect patrons from invasion of privacy and the possibility of identity theft, patrons shall not be required to provide fingerprints, retinal scans, biometric forms of identification, any type of patron-tracking cards, or other types of identification prior to being permitted to enter the area where gambling is being conducted on an excursion gambling boat or to make a wager, except that, for purposes of establishing that a patron is at least twenty-one years of age as provided in subsection 4 above, a licensee operating an excursion gambling boat shall be authorized to request such patron to provide a valid state or federal photo identification or a valid passport. This section shall not prohibit enforcement of identification requirements that are required by federal law. This section shall not prohibit enforcement of any Missouri statute requiring identification of patrons for reasons other than being permitted to enter the area of an excursion gambling boat where gambling is being conducted or to make a wager.

6. A licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.

7. It shall be unlawful for a person **twenty-one years of age or older** to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be guilty of a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent offenses.

**8. It shall be unlawful for a person under twenty-one years of age to present false identification to a licensee or a gaming agent in order to gain entrance to an excursion gambling boat, cash a check or verify that such person is legally entitled to be present on the excursion gambling boat. Any person who violates the provisions of this subsection shall be fined five hundred dollars and guilty of an infraction for the first offense and a class B misdemeanor for second and subsequent offenses. Notwithstanding any other provision of law to the contrary, any fines collected for offenses committed under this subsection shall be deposited into the Veterans Commission Capitol Improvement Trust Fund established in section 42.300.**"; and

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

In which the concurrence of the Senate is respectfully requested.

## PRIVILEGED MOTIONS

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 34**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 34

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 34, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of

the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 34, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 34;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 34 be Third Read and Finally Passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Mike Cunningham | /s/ Lyndall Fraker |
| /s/ Scott T. Rupp | /s/ Dave Schatz |
| /s/ Michael L. Parson | /s/ Kevin McManus |
| /s/ Ryan McKenna | |
| /s/ Gina Walsh | |

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Justus | Keaveny |
| Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna | Munzlinger |
| Nasheed | Parson | Pearce | Richard | Romine | Rupp | Sater | Schaaf |
| Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—31 | |

NAYS—Senators—None

Absent—Senators

| | |
|---|---|
| Emery | Nieves—2 |

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Cunningham, **CCS** for **HCS** for **SS** for **SB 34**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 34

An Act to repeal sections 287.957 and 287.975, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Parson | Pearce | Richard | Romine | Rupp | Sater |

Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—32

NAYS—Senators—None

Absent—Senator Nieves—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Lamping moved that the Senate refuse to concur in **HA 1** for **SB 77** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 42**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Romine moved that the Senate refuse to concur in **HCS** for **SB 57**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator McKenna moved that the Senate refuse to concur in **HCS** for **SB 90**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Lamping moved that the Senate refuse to concur in **HA 2**, **HA 3**, **HA 4**, **HA 5** and **HA 6** to **SCS** for **SB 33** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Dixon moved that the Senate refuse to concur in **HA 1** to **SB 327** and request the House to recede from its position and take up and pass the bill, which motion prevailed.

Senator Nieves assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Dempsey, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Frank Meyer and Edna McDaniel, as members of the Missouri Quality Home Care Council;

Also,

Noelle C. Collins, Democrat, as a member of the Missouri Women's Council;

Also,

Jeanne Marie Dee and Travis Ford, as members of the Missouri State Board of Accountancy;

Also,

Glenn M. McCumber and Keith G. Hankins, Republicans, as members of the Missouri Southern State University Board of Governors;

Also,

Timothy Flora, as a member of the Board of Private Investigator and Private Fire Investigator Examiners;

Also,

Kathleen Tofall, as a member of the Sentencing and Corrections Oversight Commission;

Also,

Michael C. Rader, as a member of the Kansas City Board of Police Commissioners;

Also,

Elizabeth M. Pierson, as a member of the Advisory Committee for 911 Service Oversight; and

Gary Vandiver, Democrat, as a member of the State Soil and Water Districts Commission.

Senator Dempsey requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Dempsey moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## SENATE BILLS ON THIRD READING

**SCS** for **SB 378**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 378

An Act to repeal sections 160.545, 173.250, and 173.1104, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarship programs.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **SCS** for **SB 378** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Silvey | Wallingford | Walsh—31 | |

NAYS—Senator Wasson—1

Absent—Senator Sifton—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

## PRIVILEGED MOTIONS

Senator Munzlinger moved that the Senate refuse to concur in **HCS** for **SB 41**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HJR 14**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, and adopting one new section relating to the fifth state building fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SS** for **SB 262** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SCS** for **SB 157** and **SB 102** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1** to **SCS** for **SB 36** and request the Senate grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SCS** for **SB 17** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SCS** for **SB 9** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SB 330** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS**, as amended, for **SB 43** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS**, as amended, for **HCS** for **HB 1035** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HB 316** and requests the Senate to recede from its position on **SA 1** and take up and pass **HB 316**.

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 9**, as amended: Senators Pearce, Munzlinger, Sater, Curls and Chappelle-Nadal.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 17**, as amended: Senators Munzlinger, Lamping, Romine, Curls and Chappelle-Nadal.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 43**, as amended: Senators Munzlinger, Schaefer, Kehoe, Holsman and McKenna.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 157** and **SB 102**, as amended: Senators Sater, Kraus, Silvey, Justus and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 262**, as amended: Senators Curls, Rupp, Parson, Wallingford and Justus.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 330**, as amended: Senators Wasson, Cunningham, Sater, Keaveny and

Sifton.

## HOUSE BILLS ON THIRD READING

**HCS** for **HBs 374** and **434**, with **SCS**, entitled:

An Act to repeal sections 478.320, 478.370, 478.375, 478.385, 478.387, 478.437, 478.463, 478.513, 478.527, 478.550, 478.570, 478.600, 478.610, 478.625, 478.630, 478.690, 478.700, 478.705, 478.710, 478.715, 478.730, and 478.750, RSMo, and to enact in lieu thereof twenty-three new sections relating to the transfer of judicial positions by the supreme court.

Was called from the Informal Calendar and taken up by Senator Dixon.

**SCS** for **HCS** for **HBs 374** and **434**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 374 and 434

An Act to repeal sections 32.056, 43.518, 408.040, 476.057, 477.405, 478.320, 487.020, 488.305, 488.426, 488.2250, 488.5320, 513.430, 514.040, 525.020, 525.040, 525.070, 525.080, 525.230, 525.310, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-six new sections relating to judicial procedures.

Was taken up.

Senator Dixon moved that **SCS** for **HCS** for **HBs 374** and **434** be adopted.

Senator Dixon offered **SS** for **SCS** for **HCS** for **HBs 374** and **434**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 374 and 434

An Act to repeal sections 32.056, 43.518, 408.040, 454.475, 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.305, 488.426, 488.2250, 488.5320, 513.430, 514.040, 525.020, 525.040, 525.070, 525.080, 525.230, 525.310, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-eight new sections relating to judicial procedures, with an effective date for certain sections.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HBs 374** and **434** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 and 434, Page 63, Section 632.505, Line 4 of said page, by inserting immediately after said line the following:

"**Section 1. It is the intent of the legislature to reject and abrogate earlier case law interpretations**

**on the meaning of or definition of "sexually violent offense" to include, but not be limited to, holdings in: Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); and State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012); and all cases citing, interpreting, applying, or following those cases. It is the intent of the legislature to apply these provisions retroactively.**"; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Kraus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 and 434, Page 13, Section 477.405, Line 21, by inserting immediately thereafter the following:

**"478.008. 1. Veterans treatment courts may be established by any circuit court, or combination of circuit courts, upon agreement of the presiding judges of such circuit courts to provide an alternative for the judicial system to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel.**

**2. A veterans treatment court shall combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving the United States armed forces, including members of the reserves, national guard, or state guard.**

**3. (1) Each circuit court, which establishes such courts as provided in subsection 1 of this section, shall establish conditions for referral of proceedings to the veterans treatment court; and**

**(2) Each circuit court shall enter into a memorandum of understanding with each participating prosecuting attorney in the circuit court. The memorandum of understanding shall specify a list of felony offenses ineligible for referral to the veterans treatment court. The memorandum of understanding may include other parties considered necessary including, but not limited to, defense attorneys, treatment providers, and probation officers.**

**4. (1) A circuit that has adopted a veterans treatment court under this section may accept participants from any other jurisdiction in this state based upon either the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged.**

**(2) The transfer can occur at any time during the proceedings, including, but not limited to, prior to adjudication. The receiving court shall have jurisdiction to impose sentence, including, but not limited to, sanctions, incentives, incarceration, and phase changes.**

**(3) A transfer under this subsection is not valid unless it is agreed to by all of the following:**

**(a) The defendant or respondent;**

**(b) The attorney representing the defendant or respondent;**

**(c) The judge of the transferring court and the prosecutor of the case; and**

**(d) The judge of the receiving veterans treatment court and the prosecutor of the veterans treatment court.**

**(4) If the defendant is terminated from the veteran's treatment court program the defendant's**

**case shall be returned to the transferring court for disposition.**

**5. The defendant in any criminal proceeding accepted by a veterans treatment court for disposition shall be a nonviolent person, as determined by the prosecuting attorney. Any proceeding accepted by the veterans treatment court program for disposition shall be upon agreement of the parties.**

**6. Except for good cause found by the court, a veterans treatment court shall make a referral for substance abuse or mental health treatment, or a combination of substance abuse and mental health treatment, through the Department of Defense health care, the Veterans Administration, or a community-based treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall only refer the individual to a program which is certified by the Missouri department of mental health, unless no appropriate certified treatment program is located within the same county as the veterans treatment court.**

**7. Any statement made by a participant as part of participation in the veterans treatment court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile, or civil proceeding. Notwithstanding the foregoing, termination from the veterans treatment court program and the reasons for termination may be considered in sentencing or disposition.**

**8. Notwithstanding any other provision of law to the contrary, veterans treatment court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program participant.**

**9. Upon general request, employees of all such agencies shall fully inform a veterans treatment court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall:**

**(1) Be treated as closed records;**

**(2) Not be disclosed to any person outside of the veterans treatment court;**

**(3) Be maintained by the court in a confidential file not available to the public.**

**10. Upon successful completion of the treatment program, the charges, petition, or penalty against a veterans treatment court participant may be dismissed, reduced, or modified. Any fees received by a court from a defendant as payment for substance abuse or mental health treatment programs shall not be considered court costs, charges, or fines.**"; and

Further amend the title and enacting clause accordingly.

Senator Kraus moved that the above amendment be adopted, which motion prevailed.

Senator Lager offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 and 434, Page 15, Section 478.073, Line 3, by striking the words "by April first".

Senator Lager moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 374 and 434, Page 2, Section A, Line 10, by inserting after all of said line the following:

"1.010. **1.** The common law of England and all statutes and acts of parliament made prior to the fourth year of the reign of James the First, of a general nature, which are not local to that kingdom and not repugnant to or inconsistent with the Constitution of the United States, the constitution of this state, or the statute laws in force for the time being, are the rule of action and decision in this state, any custom or usage to the contrary notwithstanding, but no act of the general assembly or law of this state shall be held to be invalid, or limited in its scope or effect by the courts of this state, for the reason that it is in derogation of, or in conflict with, the common law, or with such statutes or acts of parliament; but all acts of the general assembly, or laws, shall be liberally construed, so as to effectuate the true intent and meaning thereof.

**2. The general assembly expressly excludes from this section the common law of England as it relates to claims arising out of the rendering of or failure to render health care services by a health care provider, it being the intent of the general assembly to replace those claims with statutory causes of action.**"; and

Further amend said bill, page 39, 525.310, line 25 of said page, by inserting after all of said line the following:

"538.210. 1. **A statutory cause of action for damages against a health care provider for personal injury or death arising out of the rendering of or failure to render health care services is hereby created, replacing any such common law cause of action. The elements of such cause of action are that the health care provider failed to use that degree of skill and learning ordinarily used under the same or similar circumstances by similarly situated health care providers and that such failure proximately caused injury or death.**

**2.** In any action **[**against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services**] referenced in subsection 1 of this section**, no plaintiff shall recover more than three hundred fifty thousand dollars for noneconomic damages irrespective of the number of defendants.

**[**2.**] 3.** (1) Such limitation shall also apply to any individual or entity, or their employees or agents that provide, refer, coordinate, consult upon, or arrange for the delivery of health care services to the plaintiff; and

(2) Who is a defendant in a lawsuit brought against a health care provider under this chapter, or who is a defendant in any lawsuit that arises out of the rendering of or the failure to render health care services.

(3) No individual or entity whose liability is limited by the provisions of this chapter shall be liable to any plaintiff based on the actions or omissions of any other entity or person who is not an employee of such individual or entity whose liability is limited by the provisions of this chapter.

Such limitation shall apply to all claims for contribution.

**[**3.**] 4.** In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform

the jury or potential jurors of such limitation.

**[**4.**]** **5.** For purposes of sections 538.205 to 538.230, any spouse claiming damages for loss of consortium of their spouse shall be considered to be the same plaintiff as their spouse.

**[**5.**]** **6.** Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.

**[**6.**]** **7.** For purposes of sections 538.205 to 538.230, all individuals and entities asserting a claim for a wrongful death under section 537.080 shall be considered to be one plaintiff.

**8. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The value of the limitation shall be calculated by the director of the department of insurance, financial institutions and professional registration, who shall submit that value to the secretary of state, to publish in the Missouri Register as soon after each January first as practicable. Publication of the value shall be exempt from the provisions of section 536.021. Notwithstanding any provision of this subsection to the contrary, the limitation on awards for noneconomic damages provided for in this section shall not exceed five hundred thousand dollars.**"; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted.

Senator Dixon moved that **HCS** for **HBs 374** and **434**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be placed on the Informal Calendar.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: The following message corrects the message delivered on May 9, 2013 to reflect the adoption of **HA 1** to **SCS** for **SB 33**.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 33**.

With House Amendment Nos. 1*, 2, 3, 4, 5 and 6.

* **HA 1** is attached.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 33, Page 3, Section 209.200, Line 20, by inserting immediately after all of said line the following:

"**(f) "Professional therapy dog", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers,**

**perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy.**"; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the conference committee on **SCS** for **HCS** for **HB 1**, and has taken up and adopted **SCS** for **HCS** for **HB 1** and has taken up and passed **SCS** for **HCS** for **HB 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

## PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2** moved that the following conference committee report be taken up, which motion prevailed.

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

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

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

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| Scott T. Rupp | /s/ Mike Lair |
| /s/ Michael Kehoe | /s/ Genise Montecillo |
| /s/ S. Kiki Curls | |
| /s/ Gina Walsh | |

Senator Schaefer moved that the above conference committee report be adopted.

Senator Kehoe assumed the Chair.

A quorum was established by the following vote:

Present—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Dempsey | Dixon | Emery | Justus | Keaveny |
| Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna | Munzlinger |
| Nasheed | Nieves | Pearce | Richard | Romine | Rupp | Sater | Schaaf |
| Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—31 | |

Absent—Senators

Curls Parson—2

Absent with leave—Senator Holsman—1

Vacancies—None

The conference committee report on **SCS** for **HCS** for **HB 2** was adopted by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Cunningham | Curls | Dempsey | Dixon | Emery | Justus | Keaveny |
| Kehoe | Kraus | Lager | Lamping | Libla | McKenna | Munzlinger | Nieves |
| Parson | Pearce | Richard | Romine | Sater | Schaaf | Schaefer | Schmitt |
| Sifton | Silvey | Wallingford | Walsh | Wasson—29 | | | |

NAYS—Senators

Chappelle-Nadal LeVota Nasheed Rupp—4

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Cunningham | Curls | Dempsey | Dixon | Emery | Justus | Keaveny |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Kehoe | Kraus | Lager | Lamping | Libla | McKenna | Munzlinger | Nieves |
| Parson | Pearce | Richard | Romine | Sater | Schaaf | Schaefer | Schmitt |
| Sifton | Silvey | Wallingford | Walsh | Wasson—29 | | | |

NAYS—Senators

| | | | |
|---|---|---|---|
| Chappelle-Nadal | LeVota | Nasheed | Rupp—4 |

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Lamping requested unanimous consent of the Senate to allow his motion requesting conference on **SCS** for **SB 33** to include **HA 1**, which request was granted.

Senator Parson moved that the Senate refuse to adopt the **CCR** on **SS** for **HCS** for **HJRs 11** and **7**, as amended, and request the House grant the Senate a further conference; and further that the conferees be allowed to exceed the differences, which motion prevailed.

## THIRD READING OF SENATE BILLS

Senator Pearce moved that **SS** for **SCS** for **SB 437** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Pearce, **SS** for **SCS** for **SB 437** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Curls | Dempsey | Dixon | Emery | Justus | Keaveny | Kraus | Lager |
| Lamping | Libla | McKenna | Munzlinger | Nieves | Parson | Pearce | Richard |
| Romine | Schaaf | Schmitt | Sifton | Silvey | Wallingford | Wasson—23 | |

NAYS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Kehoe | LeVota | Nasheed | Sater | Schaefer |
| Walsh—9 | | | | | | | |

Absent—Senator Rupp—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Pearce, title to the bill was agreed to.

Senator Pearce moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the conference committee on **SCS** for **HCS** for **HB 13**, and has taken up and adopted **SCS** for **HCS** for **HB 13** and has taken up and passed **SCS** for **HCS** for **HB 13**.

Senator Kraus assumed the Chair.

## PRIVILEGED MOTIONS

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

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

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.

2. That the House recede from its position on House Committee Substitute for House Bill No. 3.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| /s/ Scott T. Rupp | /s/ Tom Flanigan |
| /s/ Michael Kehoe | /s/ Genise Montecillo |
| /s/ S. Kiki Curls | |
| /s/ Gina Walsh | |

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lamping | Libla | McKenna | Munzlinger | Nasheed |
| Nieves | Pearce | Richard | Romine | Rupp | Sater | Schaefer | Schmitt |
| Sifton | Silvey | Wallingford | Walsh | Wasson—29 | | | |

NAYS—Senator LeVota—1

Absent—Senators

| | | |
|---|---|---|
| Lager | Parson | Schaaf—3 |

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | Libla | McKenna | Munzlinger |
| Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp | Sater |
| Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—32 |

NAYS—Senator LeVota—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 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 Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| /s/ Scott T. Rupp | /s/ Denny Hoskins |
| /s/ Michael Kehoe | /s/ Gail McCann Beatty |
| Shalonn “Kiki” Curls | |
| /s/ Gina Walsh | |

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Cunningham | Curls | Dempsey | Dixon | Emery | Kehoe | Kraus |
| Lamping | Libla | Munzlinger | Nieves | Parson | Pearce | Richard | Romine |
| Rupp | Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford |
| Wasson—25 | | | | | | | |

NAYS—Senators

| | | | | | | |
|---|---|---|---|---|---|---|
| Chappelle-Nadal | Justus | Keaveny | LeVota | McKenna | Nasheed | Walsh—7 |

Absent—Senator Lager—1

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Cunningham | Curls | Dempsey | Dixon | Emery | Kehoe | Kraus |
| Lager | Lamping | Libla | Munzlinger | Nieves | Parson | Pearce | Richard |
| Romine | Rupp | Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey |
| Wallingford | Wasson—26 | | | | | | |

NAYS—Senators

| | | | | | | |
|---|---|---|---|---|---|---|
| Chappelle-Nadal | Justus | Keaveny | LeVota | McKenna | Nasheed | Walsh—7 |

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

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

1. That the Senate recede from its position on Senate Committee Substitute for House Committee

Substitute for House Bill No. 5.

2. That the House recede from its position on House Committee Substitute for House Bill No. 5.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| /s/ Scott T. Rupp | /s/ Mark Parkinson |
| /s/ Michael Kehoe | /s/ Gail McCann Beatty |
| /s/ S. Kiki Curls | |
| /s/ Gina Walsh | |

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Lager | Lamping | Libla | McKenna | Munzlinger | Nasheed |
| Nieves | Parson | Pearce | Richard | Romine | Rupp | Sater | Schaaf |
| Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—31 | |

NAYS—Senators

Kraus LeVota—2

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Lager | Lamping | Libla | McKenna | Munzlinger | Nasheed |
| Nieves | Parson | Pearce | Richard | Romine | Rupp | Sater | Schaaf |
| Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—31 | |

NAYS—Senators

Kraus LeVota—2

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, 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 Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6, as amended.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, be truly agreed to and finally passed.

FOR THE SENATE:
/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:
/s/ Rick Stream
/s/ Craig Redmon
/s/ Jeanne Kirkton

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, 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 Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7, as amended.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| /s/ Scott T. Rupp | /s/ Thomas Flanigan |
| /s/ Michael Kehoe | /s/ Kevin McManus |
| /s/ S. Kiki Curls | |
| /s/ Gina Walsh | |

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| /s/ Scott T. Rupp | /s/ Marsha Haefer |
| /s/ Michael Kehoe | Chris Kelly |
| /s/ S. Kiki Curls | |
| /s/ Gina Walsh | |

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV,

Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |

Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| /s/ Scott T. Rupp | /s/ Tom Flanigan |

/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

/s/ Jill Schupp

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |
| Wasson—33 | | | | | | | |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |
| Sater | Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh |
| Wasson—33 | | | | | | | |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| /s/ Scott T. Rupp | /s/ Sue Allen |
| /s/ Michael Kehoe | Jeanne Kirkton |
| /s/ S. Kiki Curls | |
| /s/ Gina Walsh | |

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | Libla | McKenna | Munzlinger |
| Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp | Sater |
| Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—32 |

NAYS—Senator LeVota—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Justus | Keaveny |
| Kehoe | Kraus | Lager | Lamping | Libla | McKenna | Munzlinger | Nasheed |
| Nieves | Parson | Pearce | Richard | Romine | Rupp | Sater | Schaaf |
| Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—31 | |

NAYS—Senators

Emery LeVota—2

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, 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 Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11, as amended.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended, be truly agreed to and finally passed.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Kurt Schaefer | /s/ Rick Stream |
| /s/ Scott T. Rupp | /s/ Tom Flanigan |
| /s/ Michael Kehoe | Jeanne Kirkton |
| /s/ S. Kiki Curls | |
| /s/ Gina Walsh | |

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Dempsey | Dixon | Emery | Kehoe | Kraus |
| Lamping | Libla | McKenna | Munzlinger | Nieves | Parson | Pearce | Richard |
| Romine | Rupp | Sater | Schaaf | Schaefer | Schmitt | Silvey | Wallingford |
| Wasson—25 | | | | | | | |

NAYS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Curls | Justus | Keaveny | Lager | LeVota | Nasheed | Sifton | Walsh—8 |

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social

Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2013 and ending June 30, 2014; provided that no funds from these sections shall be expended for the purpose of costs associated with the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Dempsey | Dixon | Kehoe | Kraus | Lamping |
| Libla | McKenna | Munzlinger | Nieves | Parson | Pearce | Richard | Romine |
| Rupp | Sater | Schaaf | Schaefer | Schmitt | Silvey | Wallingford | Wasson—24 |

NAYS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Curls | Emery | Justus | Keaveny | Lager | LeVota | Nasheed | Sifton |
| Walsh—9 | | | | | | | |

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

Senator Schaefer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:
/s/ Kurt Schaefer
/s/ Scott T. Rupp
/s/ Michael Kehoe
/s/ S. Kiki Curls
/s/ Gina Walsh

FOR THE HOUSE:
/s/ Rick Stream
/s/ Tom Flanigan
Chris Kelly

Senator Schaefer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | Libla | McKenna | Munzlinger |
| Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp | Sater |
| Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—32 |

NAYS—Senator LeVota—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

On motion of Senator Schaefer, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2013 and ending June 30, 2014.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Rupp |

Sater Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Schaefer, title to the bill was agreed to.

Senator Schaefer moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

## HOUSE BILLS ON THIRD READING

Senator Dixon moved that **HCS** for **HBs 374** and **434**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 4** was again taken up.

At the request of Senator Brown, the above amendment was withdrawn.

Senator Pearce assumed the Chair.

At the request of Senator Dixon, **HCS** for **HBs 374** and **434**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**HCS** for **HBs 404** and **614**, with **SCS**, entitled:

An Act to repeal sections 287.067 and 287.243, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation.

Was called from the Informal Calendar and taken up by Senator Kehoe.

**SCS** for **HCS** for **HBs 404** and **614**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 404 and 614

An Act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.200, 287.210, 287.220, 287.610, 287.715, and 287.745, RSMo, and to enact in lieu thereof twelve new sections relating to workers' compensation, with an existing penalty provision and an emergency clause for certain sections.

Was taken up.

Senator Kehoe moved that **SCS** for **HCS** for **HBs 404** and **614** be adopted.

Senator Rupp offered **SS** for **SCS** for **HCS** for **HBs 404** and **614**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 404 and 614

An Act to repeal sections 287.020, 287.067, 287.120, 287.140, 287.200, 287.210, 287.220, 287.243, 287.280, 287.610, 287.715, 287.745, and 287.955, RSMo, and to enact in lieu thereof fourteen new sections relating to workers' compensation, with an existing penalty provision and an effective date.

Senator Rupp moved that **SS** for **SCS** for **HCS** for **HBs 404** and **614** be adopted.

Senator Walsh offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 404 and 614, Page 21, Section 287.200, Lines 24-26 of said page, by striking all of said lines and inserting in lieu thereof the following: "**of permanent total disability and death; and**"; and

Further amend said bill and section, Page 22, Line 22 of said page, by striking "2023" and inserting in lieu thereof the following: "**2038**"; and

Further amend said bill, Page 29, Section 287.213, Line 3 of said page, by striking "2023" and inserting in lieu thereof the following: "**2038**".

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 404 and 614, Page 58, Section 287.955, Line 21, by inserting immediately after said line, the following:

"287.975. 1. The advisory organization shall file with the director every pure premium rate, every manual of rating rules, every rating schedule and every change or amendment, or modification of any of the foregoing, proposed for use in this state no more than thirty days after it is distributed to members, subscribers or others.

2. The advisory organization which makes a uniform classification system for use in setting rates in this state shall collect data for two years after January 1, 1994, on the payroll differential between employers within the construction group of code classifications, including, but not limited to, payroll costs of the employer and number of hours worked by all employees of the employer engaged in construction work. Such data shall be transferred to the department of insurance, financial institutions and professional registration in a form prescribed by the director of the department of insurance, financial institutions and professional registration, and the department shall compile the data and develop a formula to equalize premium rates for employers within the construction group of code classifications based on such payroll differential within three years after the data is submitted by the advisory organization.

**3. The formula to equalize premium rates for employers within the construction group of code classifications established under subsection 2 of this section shall be the formula in effect on January 1, 1999. This subsection shall become effective on January 1, 2014.**"; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 404 and 614, Page 28, Section 287.213, Line 1, by inserting immediately after "287.200." the following: "**The surcharge shall be increased in an amount that shall generate, as nearly as possible, one hundred percent of the moneys to be paid for the administration and defense of the mesothelioma fund in the following calendar year.**"; and further amend line 27, by inserting immediately after the word "fund" the following: "**, shall use assistant attorneys general except in circumstances where an actual or potential conflict of interest exists, to provide legal services as may be required in all claims made for recovery against the mesothelioma fund,**"; and

Further amend said section, page 29, line 1, by inserting immediately at the end of said line, the following: "**Any legal expenses incurred by the attorney general's office in the handling of claims against the mesothelioma fund, including, but not limited to, medical examination fees, expert witness fees, court reporter expenses, travel costs, and related legal expenses shall be paid by the mesothelioma fund. The payment of such legal expenses shall be contingent upon annual appropriations made by the general assembly, from the fund, to the attorney general's office for this specific purpose.**".

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Kehoe, **HCS** for **HBs 404** and **614**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 262**, as amended. Representatives: Molendorp, Scharnhorst, and McNeil.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 157** and **SB 102**, as amended. Representatives: Phillips, Dugger, and Nichols.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 17**, as amended. Representatives: Thomson, Scharnhorst, and Montecillo.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has

appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 330**, as amended. Representatives: Burlison, Keeney, and Kratky.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 9**, as amended. Representatives: Guernsey, Richardson, and Mitten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 43**, as amended. Representatives: Kolkmeyer, Schatz, and Schieffer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 350**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 17** and has taken up and passed **SCS** for **HCS** for **HB 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 18** and has taken up and passed **SCS** for **HB 18**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 19** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 19**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **HB 253** and has taken up and passed **SS** for **HB 253**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **SS** for **HCS** for **HJRs 11** and **7**, as amended, and the conferees be allowed to exceed the differences.

The Speaker hereby reappoints the following Conference Committee to act with a like committee from the Senate on **SCS** for **HCS** for **HJRs 11** and **7**, as amended. Representatives: Richardson, Reiboldt, and Black.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **SCS** for **SB 240**.

Bill ordered enrolled.

## REFERRALS

President Pro Tem Dempsey referred **HJR 16**, with **SCS**; **HCS** for **HB 320**; **HCS** for **HB 114**; and **HCS** for **HB 349** to the Committee on Governmental Accountability and Fiscal Oversight.

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HJRs 11** and **7**, as amended: Senators Parson, Munzlinger, Brown, Justus and Sifton.

## PRIVILEGED MOTIONS

Senator Wallingford moved that the Senate grant the House a conference on **SCS** for **SB 36**, as amended, which motion prevailed.

Senator Schmitt moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1035**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Sater moved that the Senate recede from its position on **SA 1** to **HB 316**, which motion prevailed.

On motion of Senator Sater, **HB 316** was read the 3rd reading time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Justus |
| Keaveny | Kehoe | Kraus | Lager | Lamping | LeVota | Libla | McKenna |
| Munzlinger | Nasheed | Nieves | Parson | Pearce | Richard | Romine | Sater |
| Schaaf | Schaefer | Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson—32 |

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senator Holsman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 36**, as amended: Senators Wallingford, Dixon, Romine, Justus and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee

from the House on **SCS** for **HCS** for **HB 1035**, as amended: Senators Schmitt, Pearce, Dixon, McKenna and Holsman.

## HOUSE BILLS ON THIRD READING

Senator Dixon moved that **HCS** for **HBs 374** and **434**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, was again taken up.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, be adopted, which motion prevailed.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Dempsey referred **SS** for **SCS** for **HCS** for **HBs 374** and **434**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

## RESOLUTIONS

Senator Sater offered Senate Resolution No. 950, regarding Robin Barnes, Pineville, which was adopted.

Senator Sater offered Senate Resolution No. 951, regarding Edna Rinker, Crane, which was adopted.

Senator Sater offered Senate Resolution No. 952, regarding Dr. Jonathan Apostol, Monett, which was adopted.

Senator Silvey offered Senate Resolution No. 953, regarding Rachel "Spunky" Kinahan, which was adopted.

Senator Lager offered Senate Resolution No. 954, regarding Tyler Maberry, which was adopted.

Senator Kehoe offered Senate Resolution No. 955, regarding Devin Koestner, Lohman, which was adopted.

Senator Justus offered Senate Resolution No. 956, regarding Alec Elliott Kelley, Lake St. Louis, which was adopted.

Senator Schaaf offered Senate Resolution No. 957, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Roger Krofft, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 958, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hubert S. Marshall, St. Joseph, which was adopted.

Senator Romine offered Senate Resolution No. 959, regarding Nancy S. Kaalberg, which was adopted.

Senators Brown and Kehoe offered Senate Resolution No. 960, regarding Shane Zimmer, Howard Booe, Scott Seib and Bryan Libbert of the Bawlszenhier Brewmasters softball team, which was adopted.

Senator LeVota offered Senate Resolution No. 961, regarding Nathan Ellermeier, Columbia, which was adopted.

Senator LeVota offered Senate Resolution No. 962, regarding Project Shine, Independence School District, which was adopted.

Senator Sater offered Senate Resolution No. 963, regarding Ozark Beach hydroelectric plant, Forsyth,

which was adopted.

Senator LeVota offered Senate Resolution No. 964, regarding Arbor Day, Independence, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Mrs. Amy Brauner and Mrs. Phyllis Struemph and fifty-eight seventh grade students from St. Peters Interparish School, Jefferson City.

On motion of Senator Richard, the Senate adjourned until 2:00 p.m., Monday, May 13, 2013.

## SENATE CALENDAR

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## SIXTY-SIXTH DAY–MONDAY, MAY 13, 2013

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### FORMAL CALENDAR

### VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

### HOUSE BILLS ON SECOND READING

HCS#2 for HJR 14

### SENATE BILLS FOR PERFECTION

SB 375-Nieves, with SCS

SB 52-Munzlinger and Romine, with SCS

### HOUSE BILLS ON THIRD READING

1. HCS for HB 473 (Lager) (In Fiscal Oversight)
2. HCS for HB 215, with SCS (Dixon) (In Fiscal Oversight)
3. HCS for HB 168 (Kraus)
4. HCS for HB 58 (Wasson)
5. HB 409-Love and Remole (Parson) (In Fiscal Oversight)
6. HB 339-Wieland, et al (Dempsey)
7. HCS for HBs 593 & 695 (Schaaf)
8. HB 142-Dugger, with SCS (Walsh)
9. HCS for HB 117, with SCS (Rupp)
10. HB 148-Davis, et al, with SCS (Brown)
11. HB 103-Kelley (127), et al, with SCS (Munzlinger)
12. HB 428-Schatz, with SCS (Wasson)
13. HCS for HJRs 5 & 12, with SCS (Kraus)
14. HCS for HBs 48 & 216 (Kraus)
15. HB 510-Torpey and Wieland (Rupp)
16. HB 322-Gosen, et al, with SCS (Rupp)
17. HCS for HB 345, with SCS (Lager)
18. HCS for HB 134, with SCS (Schmitt)

19. HB 451-Fraker, et al (Sater)
20. HB 116-Dugger, with SCS (Dixon)
21. HB 533-Riddle, et al, with SCS (Munzlinger)
22. HB 278-Brattin, et al (Emery)
23. HB 650-Ross, et al, with SCS (Munzlinger)
24. HCS for HB 440, with SCS (Munzlinger)
25. HCS for HB 110, with SCS (Kraus)
26. HB 625-Burlison, with SCS (Wasson)
27. HJR 16-McCaherty, et al, with SCS (Schaaf) (In Fiscal Oversight)
28. HCS for HB 320 (Lager) (In Fiscal Oversight)
29. HCS for HB 175, with SCS (Parson)
30. HCS for HB 128 (Rupp)
31. HCS for HB 114 (Brown) (In Fiscal Oversight)
32. HB 450-Carpenter, et al, with SCS (Silvey)
33. HCS for HB 349 (Kehoe) (In Fiscal Oversight)
34. HB 85-Kelley (127), et al (Dixon)
35. HCS for HB 418 (Silvey)
36. HCS for HB 722, with SCS (Lamping)
37. HCS for HB 611, with SCS (Rupp)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)
SB 13-Schaefer, with SCS
SB 21-Dixon
SB 22-Dixon
SB 30-Brown, with SCS
SB 48-Lamping
SB 53-Lamping
SB 61-Keaveny, with SCA 1 (pending)
SB 65-Dixon, with SCS
SB 78-Lamping, with SCS, SS for SCS & SA 1 (pending)
SB 82-Schaefer, with SCS
SB 109-Brown, with SCS
SB 133-Keaveny and Holsman, with SCS & SA 1 (pending)
SB 141-Dempsey
SB 167-Sater and Wallingford, with SCS
SB 174-Parson, with SCS
SB 175-Wallingford
SB 207-Kehoe, et al, with SCS
SB 231-Munzlinger, with SA 1 (pending)
SB 239-Emery, with SCS & SA 2 (pending)
SB 250-Schaaf, with SCS
SB 259-Schaaf, with SCS
SB 272-Nieves, with SA 2 (pending)
SB 285-Romine
SB 291-Rupp
SB 292-Rupp
SB 308-Schaaf
SB 315-Pearce
SB 325-Nieves
SB 339-Romine
SB 343-Parson
SB 364-Parson
SB 371-Munzlinger, with SCS
SB 377-Dixon
SB 383-Wallingford
SB 396-Holsman and Chappelle-Nadal, with SCS
SB 403-Rupp, with SCS
SB 410-Kehoe
SB 419-Lager, with SCS
SB 423-Nasheed
SB 441-Dempsey
SB 448-Schmitt and Keaveny
SB 455-Nieves, with SCS
SJR 2-Lager

## HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)
HB 55-Flanigan and Allen, with SCS (Schaefer)
HB 112-Burlison, with SA 2 (pending) (Brown)
HB 184-Cox, et al (Parson)
HCS for HB 194 (Parson)
HB 196-Lauer, et al, with SCS, SA 1 & point of order (pending) (Romine)
HB 274-Brattin, et al, with SCS (Brown)
HB 346-Molendorp (Wasson)
SS for SCS for HCS for HBs 374 & 434 (Dixon) (In Fiscal Oversight)
HCS for HBs 404 & 614, with SCS & SS for SCS (pending) (Kehoe)
HB 432-Funderburk, et al, with SCS & SA 1 (pending) (Lager)
HCS for HB 457, with SCS (Rupp)

## SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SBs 26, 11 & 31-Kraus, with HCS, as amended
SCS for SB 45-Dixon, with HCS, as amended
SS for SCS for SB 114-Schmitt, with HA 1, as amended
SCS for SB 248-Wasson, with HA 1 & HA 2

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

### In Conference

SS#2 for SCS for SB 1-Rupp, with HCS, as amended
SCS for SB 9-Pearce, with HCS, as amended
SCS for SB 17-Munzlinger and Romine, with HCS, as amended
SB 23-Parson, with HCS, as amended (Senate adopted CCR and passed CCS)
SS for SB 34-Cunningham, with HCS, as amended (Senate adopted CCR and passed CCS)
SCS for SB 36-Wallingford and Sifton, with HA 1
SB 43-Munzlinger, with HCS, as amended
SCS for SB 106-Brown, with HA 1, HA 2, HA 3, HA 4, as amended & HA 5 (Senate adopted CCR and passed CCS)
SCS for SB 117-Kraus, with HCS, as amended (Senate adopted CCR and passed CCS)
SCS for SB 157 & SB 102-Sater, with HCS, as amended
SS for SB 262-Curls, with HCS, as amended
SB 330-Wasson, with HCS, as amended
HB 307-Riddle, et al, with SS for SCS, as amended (Schmitt)
HCS#2 for HB 698, with SCS, as amended (Schmitt)
HCS for HB 1035, with SCS, as amended (Schmitt)
HCS for HJRs 11 & 7, with SS, as amended (Parson) (Further conference granted)

Requests to Recede or Grant Conference

SCS for SB 33-Lamping, with HA 1, HA 2, HA 3, HA 4, HA 5 & HA 6 (Senate requests House recede or grant conference)
SB 41-Munzlinger, with HCS, as amended (Senate requests House recede or grant conference)
SCS for SB 42-Munzlinger, with HCS, as amended (Senate requests House recede or grant conference)
SB 57-Romine, with HCS, as amended (Senate requests House recede or grant conference)
SB 77-Lamping, with HA 1 (Senate requests House recede or grant conference)
SB 90-McKenna, with HCS, as amended (Senate requests House recede or grant conference)
SB 327-Dixon, with HA 1 (Senate requests House recede & take up and pass bill)

RESOLUTIONS

Reported from Committee

HCR 7-Pfautsch, et al (Richard)
HCR 16-Walton Gray, et al (Chappelle-Nadal)
HCR 25-Allen
HCR 28-Lynch, et al (Brown)
SCR 3-Walsh
SCR 4-Schmitt, et al
SCR 15-Romine

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