

Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY—FRIDAY, MAY 16, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I expect to pass through this world but once. Any good, therefore, that I can do or any kindness that I can show to any fellow creature let me do it now. Let me not defer it nor neglect it, for I shall not pass this way again.” (French saying)

Wondrous God, we have been motivated this week, this whole session, to do what is required of us, realizing it must be done now. We acknowledge that our efforts, whether completed or not, come to an end this day. So as we complete this final day grant us wisdom and perseverance, energy and caring in our final eight hours together. For our work this session, we give You thanks for walking with us and guiding our efforts. We give You thanks for those who have served with us and those who have worked so faithfully for us to accomplish all that has been done here. For this we give You thanks and praise. 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.

Senator Richard announced photographers from KRCG-TV, The Missouri Times and Columbia Daily Tribune were given permission to take pictures in the Senate Chamber.

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

Present—Senators

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

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 3001, regarding Tammy Webber, 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 conferees on **HCS** for **SS No. 2** for **SB 754**, as amended should be Representatives: Flanigan, Richardson and Kelly (45).

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SS** for **HB 1707**. Representatives: Phillips, Conway (104) and Walton Gray.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HBs 1665** and **1335**. Representatives: Jones (50), Elmer and Webber.

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 **SS** for **SB 869**, entitled:

An Act to repeal sections 21.771, 37.710, 210.027, 210.145, 210.152, 210.160, 210.183, 334.950, 453.073, and 453.074, RSMo, and to enact in lieu thereof ten new sections relating to children, with an existing penalty provision.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 869, Pages 4 through 5, Section 210.027, Lines 1 through 38, by deleting all of said lines and inserting in lieu thereof the following:

“210.027. **1.** For child-care providers who receive state or federal funds for providing child-care [services in the home] **fee assistance**, either by direct payment or through reimbursement to a child-care beneficiary, the department of social services shall:

(1) Establish publicly available website access to provider-specific information about any health and safety licensing or regulatory requirements for the providers, and including dates of inspections, history of violations, and compliance actions taken, as well as the consumer education information required under subdivision (12) of this section;

(2) Establish or designate one hotline for parents to submit complaints about child care providers;

(3) Be authorized to revoke the registration of a registered provider for due cause;

[2] **(4) Require providers to be at least eighteen years of age;**

[3] **(5) Establish minimum requirements for building and physical premises to include:**

(a) Compliance with state and local fire, health, and building codes, which shall include the ability to evacuate children in the case of an emergency; and

(b) Emergency preparedness and response planning.

Child care providers shall meet these minimum requirements prior to receiving federal assistance. Where there are no local ordinances or regulations regarding smoke detectors, **the department shall** require providers, by rule, to install and maintain an adequate number of smoke detectors in the residence **or other building** where child care is provided;

[(4)] **(6) Require providers to be tested for tuberculosis on the schedule required for employees in licensed facilities;**

[(5)] **(7) Require providers to notify parents if the provider does not have immediate access to a telephone;**

[(6)] **(8) Make providers aware of local opportunities for training in first aid and child care;**

(9) Promulgate rules and regulations to define pre-service training requirements for child care providers and employees pursuant to applicable federal laws and regulations;

(10) Establish procedures for conducting unscheduled onsite monitoring of child care providers prior to receiving state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary, and annually thereafter;

(11) Require child care providers who receive assistance under applicable federal laws and regulations to report to the department any serious injuries or death of children occurring in child care; and

(12) With input from statewide stakeholders such as parents, child care providers or administrators, and system advocate group, establish a transparent system of quality indicators appropriate to the provider setting that shall provide parents with a way to differentiate between child care providers available in their communities as required by federal rules. The system shall describe the standards used to assess the quality of child care providers. The system shall indicate whether the provider meets Missouri's registration or licensing standards, is in compliance with applicable health and safety requirements, and the nature of any violations related to registration or licensing requirements. The system shall also indicate if the provider utilizes curricula and if the provider is in compliance with staff educational requirements. Such system of quality indicators established under this subdivision with the input from stakeholders shall be promulgated by rules. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. This subdivision shall not be construed as authorizing the operation, establishment, maintenance, or mandating or offering of incentives to participate in a quality rating system under section 161.216.

2. No state agency shall enforce the provisions of this section until October 1, 2015, or six months after the implementation of federal regulations mandating such provisions, whichever is later.”; and

Further amend said bill, Page 16, Section 210.183, Line 42, by inserting after all of said line the following:

“210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any child-care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child-care facility, the facility is not under the exclusive control of the religious organization;

(6) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005; and

(7) Any nursery school.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed.

4. Any in-home licensed child care facility that is organized as a corporation, association, firm, partnership, proprietorship, limited liability company, or any other type of business entity in this state shall qualify for the exemption for related children for children who are related to the member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity who is responsible for the daily operation of the child care facility and who meets the requirements of the child care provider. If more than one member of the corporation, association, firm, partnership, proprietorship, limited liability company, or other type of business entity is responsible for the daily operation of the child care facility, the exemption for related children shall only be granted for children who are related to one of the members. All child care facilities under this subsection shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

211.171. 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he or she considers desirable, consistent with constitutional and statutory requirements. The judge may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child and the family to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. The current foster parents of a child, or any preadoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to the child, **and a foster parent shall have standing to participate in all court hearings pertaining to a child in their care.** [This subsection shall not be construed to require that any such foster parent, preadoptive parent or relative providing care for a child be made a party to the case solely on the basis of such notice and opportunity to be heard.]

4. All cases of children shall be heard separately from the trial of cases against adults.

5. Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or, if requested by any party interested in the proceeding.

6. The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court except in cases where the child is accused of conduct which, if committed by an adult, would be considered a class A or B felony; or for conduct which would be considered a class C felony, if the child has previously been formally adjudicated for the commission of two or more unrelated acts which would have been class A, B or C felonies, if committed by an adult.

7. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court; except that, the court shall not grant a continuance in such proceedings absent compelling extenuating circumstances, and in such cases, the court shall make written findings on the record detailing the specific reasons for granting a continuance.

8. The court shall allow the victim of any offense to submit a written statement to the court. The court shall allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the child.”; and

Further amend said bill, Page 19, Section 453.074, Line 19, by inserting after all of said line the following:

“Section B. The repeal and reenactment of section 210.027 shall become effective upon the department of health and senior services providing notice to the revisor of statutes that the implementation of federal regulations mandating such provisions has occurred.”; 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 Substitute for Senate Bill No. 869, Page 4, Section 37.710, Line 45, by inserting after all of said section and line the following:

“105.271. 1. [An] **A foster or** adoptive parent who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave, or the same leave without pay granted to biological parents to take time off for purposes of arranging for the **foster or** adopted child’s placement or caring for the child after placement. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

2. The state of Missouri, its departments, and agencies shall, and political subdivisions may, provide for a leave sharing program to permit its employees to donate annual leave, overtime, or compensatory time to an employee who is arranging for a foster or adopted child’s placement or caring for the child after placement, which has caused or is likely to cause such employee to take leave without pay or to terminate employment. Such donated annual leave, overtime, or compensatory time may be transferable between employees in different departments, agencies, or political subdivisions of the state, with the agreement of the chief administrative officers of such departments, agencies, or political subdivisions.

3. Any donated annual leave, overtime, or compensatory time authorized under this section shall only be used by the recipient employee for purposes of arranging for the foster or adopted child’s placement or caring for the child after placement. Nothing in this section shall be construed as prohibiting a leave sharing program for other purposes.

4. All forms of paid leave available for use by the recipient employee shall be used prior to using donated annual leave, overtime, or compensatory time.

5. All donated annual leave, overtime, or compensatory time shall be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave, overtime, or compensatory time for purposes of the leave sharing program.

6. For purposes of this section, the phrase “foster or adoptive parent” refers to both those pursuing to foster or adopt a child and those who have a foster or adopted child placed in the home. The phrase “for purposes of arranging for the foster or adopted child’s placement or caring for the child after placement” includes, but is not limited to:

(1) Appointments with state officials, child placing agencies, social workers, health professionals, or attorneys;

(2) Court proceedings;

(3) Required travel;

(4) Training and licensure as a foster parent;

(5) Any periods of time during which foster or adoptive parents are ordered or required by the state, a child placing agency, or by a court to take time off from work to care for the foster or adopted child; or

(6) Any other activities necessary to allow the foster care or adoption to proceed.

7. A stepparent, as defined in section 453.015, who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave or the same leave without pay granted to biological parents to take time off to care for his or her stepchild. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

[3.] 8. The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

9. The commissioner of administration may promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.”; 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 Substitute for Senate Bill No. 869, Page 17, Section 334.950, Line 43, by inserting after all of said line the following:

“6. The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

7. The department shall only reimburse providers for forensic evaluations and case reviews. The department shall not reimburse providers for medical procedures, facility fees, supplies or laboratory/radiology tests.

8. In order for the department to provide reimbursement, the child shall be the subject of a child abuse investigation or reported to the children’s division as a result of the examination.

9. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of the individual’s status as a minor, and the consent of a parent or guardian of the minor is not required for such examination.”; 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 Substitute for Senate Bill No. 869, Page 4, Section 37.710, Line 45, by inserting after all of said section and line the following:

“208.631. 1. Notwithstanding any other provision of law to the contrary, the MO HealthNet division shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to [208.659] **208.658** is subject to appropriation. The provisions of sections 208.631 to [208.569] **208.658**, health care for uninsured children, shall be void and of no effect if there are no funds of the United States appropriated by Congress to be provided to the state on the basis of a state plan approved by the federal government under the federal Social Security Act. If funds are appropriated by the United States Congress, the department of social services is authorized to manage the state children’s health insurance program (CHIP) allotment in order to ensure that the state receives maximum federal financial participation. Children in households with incomes up to one hundred fifty percent of the federal poverty level may meet all Title XIX program guidelines as required by the Centers for Medicare and Medicaid Services. Children in households with incomes of one hundred fifty percent to three hundred percent of the federal poverty level shall continue to be eligible as they were and receive services as they did on June 30, 2007, unless changed by the Missouri general assembly.

2. For the purposes of sections 208.631 to [208.659] **208.658**, “children” are persons up to nineteen years of age. “Uninsured children” are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children [for six months] prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for MO HealthNet benefits as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to [208.659] **208.658**.

208.636. Parents and guardians of uninsured children eligible for the program established in sections 208.631 to [208.657] **208.658** shall:

(1) Furnish to the department of social services the uninsured child’s Social Security number or numbers, if the uninsured child has more than one such number;

(2) Cooperate with the department of social services in identifying and providing information to assist the state in pursuing any third-party insurance carrier who may be liable to pay for health care;

(3) Cooperate with the department of social services, division of child support enforcement in establishing paternity and in obtaining support payments, including medical support; **and**

(4) Demonstrate upon request their child’s participation in wellness programs including immunizations and a periodic physical examination. This subdivision shall not apply to any child whose parent or legal guardian objects in writing to such wellness programs including immunizations and an annual physical

examination because of religious beliefs or medical contraindications[; and

(5) Demonstrate annually that their total net worth does not exceed two hundred fifty thousand dollars in total value].

208.640. 1. Parents and guardians of uninsured children with incomes of more than one hundred fifty but less than three hundred percent of the federal poverty level who do not have access to affordable employer-sponsored health care insurance or other affordable health care coverage may obtain coverage for their children under this section. Health insurance plans that do not cover an eligible child's preexisting condition shall not be considered affordable employer-sponsored health care insurance or other affordable health care coverage. For the purposes of sections 208.631 to [208.659] **208.658**, "affordable employer-sponsored health care insurance or other affordable health care coverage" refers to health insurance requiring a monthly premium of:

(1) Three percent of one hundred fifty percent of the federal poverty level for a family of three for families with a gross income of more than one hundred fifty and up to one hundred eighty-five percent of the federal poverty level for a family of three;

(2) Four percent of one hundred eighty-five percent of the federal poverty level for a family of three for a family with a gross income of more than one hundred eighty-five and up to two hundred twenty-five percent of the federal poverty level;

(3) Five percent of two hundred twenty-five percent of the federal poverty level for a family of three for a family with a gross income of more than two hundred twenty-five but less than three hundred percent of the federal poverty level.

The parents and guardians of eligible uninsured children pursuant to this section are responsible for a monthly premium as required by annual state appropriation; provided that the total aggregate cost sharing for a family covered by these sections shall not exceed five percent of such family's income for the years involved. No co-payments or other cost sharing is permitted with respect to benefits for well-baby and well-child care including age-appropriate immunizations. Cost-sharing provisions for their children under sections 208.631 to [208.659] **208.658** shall not exceed the limits established by 42 U.S.C. Section 1397cc(e). If a child has exceeded the annual coverage limits for all health care services, the child is not considered insured and does not have access to affordable health insurance within the meaning of this section.

2. The department of social services shall study the expansion of a presumptive eligibility process for children for medical assistance benefits.

208.643. 1. The department of social services shall implement policies establishing a program to pay for health care for uninsured children by rules promulgated pursuant to chapter 536, either statewide or in certain geographic areas, subject to obtaining necessary federal approval and appropriation authority. The rules may provide for a health care services package that includes all medical services covered by section 208.152, except nonemergency transportation.

2. Available income shall be determined by the department of social services by rule, which shall comply with federal laws and regulations relating to the state's eligibility to receive federal funds to implement the insurance program established in sections 208.631 to [208.657] **208.658**.

208.646. There shall be a thirty-day waiting period after enrollment for uninsured children in families with an income of more than two hundred twenty-five percent of the federal poverty level before the child becomes eligible for insurance under the provisions of sections 208.631 to [208.660] **208.658**. If the parent or guardian with an income of more than two hundred twenty-five percent of the federal poverty level fails to meet the co-payment or premium requirements, the child shall not be eligible for coverage under sections 208.631 to [208.660] **208.658** for [six months] **ninety days** after the department provides notice of such failure to the parent or guardian.”; and

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

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 No. 2 on **SS** for **HCS** for **HB 1685** and has taken up and passed **CCS No. 2** for **SS** for **HCS** for **HB 1685**.

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 **SS** for **SCS** for **HCS** for **HB 1231**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 1231**.

Emergency clause adopted.

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 1831**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1831**.

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 **HB 1553**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1553**.

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 **SS** for **HB 1707** and has taken up and passed **CCS** for **SS** for **HB 1707**, as amended by **HA 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 **SS** for **SCS** for **HCS** for **HBs 1665** and **1335** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HBs 1665** and **1335**.

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was

referred **SS** for **HB 1883**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Dixon, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 584**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 584**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 584, with House Amendment Nos. 1, 2, 3, and 4, House Amendment No. 1 to House Amendment No. 5, and House Amendment No. 5, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 584, as amended;
2. That the Senate recede from its position on Senate Bill No. 584;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 584 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bob Dixon
/s/ Will Kraus
/s/ Brad Lager
Scott Sifton
Paul LeVota

FOR THE HOUSE:

/s/ Eric Burlison
/s/ Andrew Koenig
Jon Carpenter

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

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Holsman	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—25

NAYS—Senators

Chappelle-Nadal	Curls	Emery	Justus	Keaveny	LeVota—6
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Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

Senator Kraus assumed the Chair.

On motion of Senator Dixon, **CCS** for **HCS** for **SB 584**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 584

An Act to repeal sections 136.300, 142.815, 143.221, 143.451, 144.010, 144.018, 144.020, 144.030, 144.044, 144.080, 144.190, and 221.407, RSMo, and to enact in lieu thereof fifteen new sections relating to taxation, with an existing penalty provision.

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

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Holsman	Kehoe	Kraus	Lager
Lamping	Libla	Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—24

NAYS—Senators

Chappelle-Nadal	Curls	Emery	Justus	Keaveny	LeVota	Walsh—7
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Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 664**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 664

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 664, with House Amendment 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 House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 664, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 664;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 664 be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Dan Brown
- /s/ Gary Romine
- /s/ David Sater
- Scott Sifton
- /s/ Jolie Justus

FOR THE HOUSE:

- /s/ Rocky Miller
- /s/ Don Phillips
- /s/ Ira Anders

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

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Justus	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nasheed	Nieves	Pearce	Richard
Romine	Sater	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Keaveny	LeVota	Sifton	Walsh—7
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Absent—Senator Schaaf—1

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Brown, **CCS** for **HCS** for **SCS** for **SB 664**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 664

An Act to repeal sections 260.273, 643.055, and 644.145, RSMo, and to enact in lieu thereof five new sections relating to natural resources.

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

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Justus	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nasheed	Nieves	Pearce	Richard
Romine	Sater	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Keaveny	LeVota	Sifton	Walsh—7
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Absent—Senator Schaaf—1

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

Senator Brown 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 MO Digital News were given permission to take pictures in the Senate Chamber.

Senator Justus assumed the Chair.

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SB 754**, 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 NO. 2 FOR
SENATE BILL NO. 754

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 754, with House Amendment Nos. 1, 2, 3, 4, 5, 6, and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 754, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Bill No. 754;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 754 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater

/s/ Dan Brown

/s/ Rob Schaaf

/s/ Jolie Justus

/s/ Gina Walsh

FOR THE HOUSE:

/s/ Thomas Flanigan

/s/ Todd Richardson

/s/ Chris Kelly

Senator Sater 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	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla

Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Sater, **CCS** for **HCS** for **SS No. 2** for **SB 754**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 754

An Act to repeal sections 105.711, 174.335, 195.070, 208.631, 208.636, 208.640, 208.643, 208.646, 208.790, 208.798, 334.035, 334.735, 338.010, 338.059, and 338.220, RSMo, and to enact in lieu thereof twenty-seven new sections relating to health care.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

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.

Senator Schmitt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 852**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 852

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 852, with House Amendment Nos. 1, 2, 3, 4, 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendment No. 7, and House Substitute Amendment No. 1 for House Amendment 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 House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 852, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 852;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 852 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Eric Schmitt

/s/ Bob Dixon

/s/ Ryan Silvey

/s/ S. Kiki Curls

/s/ Joseph P. Keaveny

FOR THE HOUSE:

/s/ Shawn Rhoads

/s/ Dave Hinson

/s/ John Rizzo

Senator Schmitt 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	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Schmitt, **CCS** for **HCS** for **SCS** for **SB 852**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 852

An Act to repeal sections 84.340, 105.935, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806,

192.808, 287.243, 300.320, 334.950 and 571.030, RSMo, and to enact in lieu thereof ten new sections relating to public safety, with penalty provisions.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Wasson, on behalf of the conference committee appointed to act with a like committee from the House on HCS for SS for SB 860, 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. 860

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 860, with House Amendment Nos. 1 and 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 House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 860, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 860;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 860 be Third Read and Finally Passed.

FOR THE SENATE:
/s/ Jay Wasson

FOR THE HOUSE:
/s/ Sandy Crawford

/s/ Will Kraus

/s/ John Diehl

/s/ Wayne Wallingford

/s/ Jon Carpenter

/s/ Paul LeVota

Scott Sifton

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

Photographers from the Daily Star Journal were given permission to take pictures in the Senate Chamber.

At the request of Senator Wasson, the motion to adopt the Conference Committee Report was withdrawn, which placed the bill back on the 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 House has taken up and passed **SCS** for **SB 642**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 642, Page 1, in the Title, Line 3, by deleting the words “surface mining” and inserting in lieu thereof the words “natural resources”; and

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

“260.273. 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires 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 new tires 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.

3. 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 new tire 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 an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing environmental educational materials, programs, and curriculum that assist in the department's implementation of sections 260.200 to 260.345.

5. Up to fifty percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to forty-five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276, except that any unencumbered moneys may be used for public health, environmental, and safety projects in response to environmental or public health emergencies and threats as determined by the director.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

(1) Removal of [waste] **scrap** tires from illegal tire dumps;

(2) Providing grants to persons that will use products derived from [waste] **scrap** tires, or [used waste] **use scrap** tires as a fuel or fuel supplement; and

(3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall begin the first day of the month which falls at least thirty days but no more than sixty days immediately following August 28, 2005, and shall terminate January 1, [2015] **2020**.

260.279. In letting contracts for the performance of any job or service for the removal or clean up of [waste] **scrap** tires under this chapter, the department of natural resources shall, in addition to the requirements of sections 34.073 and 34.076 and any other points awarded during the evaluation process, give to any vendor that meets one or more of the following factors a five percent preference and ten bonus points for each factor met:

(1) The bid is submitted by a vendor that has resided or maintained its headquarters or principal place of business in Missouri continuously for the two years immediately preceding the date on which the bid is submitted;

(2) The bid is submitted by a nonresident corporation vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri continuously for the two years immediately preceding the date on which the bid is submitted;

(3) The bid is submitted by a vendor that resides or maintains its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and

submit a written claim for preference at the time the bid is submitted;

(4) The bid is submitted by a nonresident vendor that has an affiliate or subsidiary that employs at least twenty state residents and has maintained its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent of such vendor's employees are Missouri residents who have resided in the state continuously for at least two years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this section and submit a written claim for preference at the time the bid is submitted;

(5) The bid is submitted by any vendor that provides written certification that the end use of the tires collected during the project will be for fuel purposes or for the manufacture of a useable good or product. For the purposes of this section, the landfilling of [waste] **scrap** tires, [waste] **scrap** tire chips, or [waste] **scrap** tire shreds in any manner, including landfill cover, shall not permit the vendor a preference.

260.355. Exempted from the provisions of sections 260.350 to 260.480 are:

(1) Radioactive wastes regulated under section 2011, et seq., of title 42 of United States Code;

(2) Emissions to the air subject to regulation of and which are regulated by the Missouri air conservation commission pursuant to chapter 643;

(3) Discharges to the waters of this state pursuant to a permit issued by the Missouri clean water commission pursuant to chapter 204;

(4) Fluids injected or returned into subsurface formations in connection with oil or gas operations regulated by the Missouri oil and gas council pursuant to chapter 259;

(5) Mining wastes used in reclamation of mined lands pursuant to a permit issued by the Missouri [land reclamation] **mining** commission pursuant to chapter 444.

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) (a) 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.

(b) 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.

(c) 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.

(d) **Notwithstanding any statutory fee amounts or maximums to the contrary**, the director of the department of natural resources may conduct a comprehensive review [of] **and propose changes to** the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed [changes to the] fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall[, upon receiving the department's recommendations,] review such recommendations at the forthcoming regular or special meeting, **but shall not vote on the fee structure until a subsequent meeting**. [The commission shall not take a vote on the fee structure until the following regular meeting.] If the commission approves,

by vote of two-thirds majority **or five of seven commissioners**, the [hazardous waste] fee structure recommendations, the commission shall [promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall] **authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to** file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the [next odd-numbered] **following calendar** year and the fee structure set out in this section shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 4 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the [promulgation] **filing** of such regulation[, by concurrent resolution, shall disapprove the fee structure contained in such regulation] **disapproves the regulation by concurrent resolution**. If the general assembly so disapproves any regulation [promulgated] **filed** under this subsection, [the hazardous waste management commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection.] **the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by** this subsection shall expire on August 28, [2023] **2024**.

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, 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.

260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) “Cask”, all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) “High-level radioactive waste”, the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) “Highway route controlled quantity”, as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) “Low-level radioactive waste”, any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) “Shipper”, the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) “Spent nuclear fuel”, fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) “State-funded institutions of higher education”, any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) “Transuranic radioactive waste”, defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste, highway route

controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state shall be subject to the fees established in this subsection, provided that no state-funded institution of higher education that ships nuclear waste shall pay any such fee. These higher education institutions shall reimburse the Missouri state highway patrol directly for all costs related to shipment escorts. The fees for all other shipments shall be:

(1) One thousand eight hundred dollars for each truck transporting through or within the state high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All truck shipments of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments are subject to a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

(2) One thousand three hundred dollars for the first cask and one hundred twenty-five dollars for each additional cask for each rail shipment through or within the state of high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

(3) One hundred twenty-five dollars for each truck or train transporting low-level radioactive waste through or within the state.

The department of natural resources may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

(1) Inspections, escorts, and security for waste shipment and planning;

(2) Coordination of emergency response capability;

(3) Education and training of state, county, and local emergency responders;

(4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;

(5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

(6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;

(7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. All funds deposited in the environmental radiation monitoring fund through fees established in subsection 2 of this section shall be utilized, subject to appropriation by the general assembly, for the administration and enforcement of this section by the department of natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

8. All fees shall be paid to the department of natural resources prior to shipment.

9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall be provided by the shipper to the governor's designee for advanced notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment of low-level radioactive waste through or within the state shall be provided by the shipper to the Missouri department of natural resources before such shipment enters the state.

10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount assessed and not paid. The action shall be brought by the attorney general at the request of the department of natural resources. If the action involves a facility domiciled in the state, the action shall be brought in the circuit court of the county in which the facility is located. If the action does not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole County.

11. Beginning on December 31, 2009, and every two years thereafter, the department of natural resources shall prepare and submit a report on activities of the environmental radiation monitoring fund to the general assembly. This report shall include information on fee income received and expenditures made by the state to enforce and administer the provisions of this section.

12. The provisions of this section shall not apply to high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the federal government for military or national defense purposes.

13. [Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years

after August 28, 2009, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized,] The program authorized under this section shall automatically sunset [twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset] **on August 28, 2024.**

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, 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.

8. **Notwithstanding any statutory fee amounts or maximums to the contrary**, the director of the department of natural resources may conduct a comprehensive review [of] **and propose changes to** the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed [changes to the] fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall[, upon receiving the department's recommendations,] review such recommendations at the forthcoming regular or special meeting, **but shall not vote on the fee structure until a subsequent meeting**. [The commission shall not take a vote on the fee structure until the following regular meeting.] If the commission approves, by vote of two-thirds majority **or five of seven commissioners**, the [hazardous waste] fee structure recommendations, the commission shall [promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall] **authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to** file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the [next odd-numbered] **following calendar** year and the fee structure set out in this section shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 7 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the [promulgation] **filing** of such regulation[, by concurrent resolution, shall disapprove the fee structure contained in such regulation] **disapproves the regulation by concurrent resolution**. If the general assembly so disapproves any regulation [promulgated] **filed** under this subsection, [the hazardous waste management commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection.] **the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by** this subsection shall expire on August 28, [2023] **2024**.

444.510. As used in sections 444.500 to 444.755, unless the context clearly indicates otherwise, the following words and terms mean:

(1) "Affected land", the pit area or area from which overburden has been removed, or upon which overburden has been deposited;

- (2) “Box cut”, the first open cut in the mining of coal which results in the placing of overburden on the surface of the land adjacent to the initial pit and outside of the area of land to be mined;
- (3) “Commission”, the [land reclamation] **Missouri mining** commission **within the department of natural resources** created by section 444.520;
- (4) “Company owned land”, land owned by the operator in fee simple;
- (5) “Director”, the **staff** director of the [land reclamation] **Missouri mining** commission;
- (6) “Gob”, that portion of refuse consisting of waste coal or bony coal of relatively large size which is separated from the marketable coal in the cleaning process or solid refuse material, not readily waterborne or pumpable, without crushing;
- (7) “Highwall”, that side of the pit adjacent to unmined land;
- (8) “Leased land”, all affected land where the operator does not own the land in fee simple;
- (9) “Operator”, any person, firm or corporation engaged in or controlling a strip mining operation;
- (10) “Overburden”, as applied to the strip mining of coal, means all of the earth and other materials which lie above natural deposits of coal, and includes such earth and other materials disturbed from their natural state in the process of strip mining;
- (11) “Owner”, the owner of any right in the land other than the operator;
- (12) “Peak”, a projecting point of overburden created in the strip mining process or that portion of unmined land remaining within the pit;
- (13) “Person”, any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;
- (14) “Pit”, the place where coal is being or has been mined by strip mining;
- (15) “Refuse”, all waste material directly connected with the cleaning and preparation of substances mined by strip mining;
- (16) “Ridge”, a lengthened elevation of overburden created in the strip mining process;
- (17) “Strip mining”, mining by removing the overburden lying above natural deposits of coal, and mining directly from the natural deposits thereby exposed, and includes mining of exposed natural deposits of coal over which no overburden lies; except that “strip mining” of coal shall only mean those activities exempted from the “Surface Coal Mining Law”, pursuant to subsection 6 of section 444.815.

444.520. 1. There is a [land reclamation] **Missouri mining** commission whose domicile for administrative purposes is the department of natural resources. The commission shall consist of the following [seven] **eight** persons: The state geologist, the director of the department of conservation, the director of staff of the clean water commission, and [four] **five** other persons selected from the general public who are residents of Missouri and who shall have an interest in and knowledge of conservation and land reclamation, and one of whom shall in addition have training and experience in surface mining, **one of whom shall in addition have training and experience in subsurface mining**, but not more than [one]

two can have a direct connection with the mining industry. The [~~four~~] **five** members from the general public shall be appointed by the governor, by and with the advice and consent of the senate. No more than [~~two~~] **three** of the appointed members shall belong to the same political party. The three members who serve on the commission by virtue of their office may designate a representative to attend any meetings in their place and exercise all their powers and duties. All necessary personnel required by the commission shall be selected, employed and discharged by the commission. The director of the department shall not have the authority to abolish positions.

2. The initial term of the appointed members shall be as follows: Two members, each from a different political party, shall be appointed for a term of two years, and two members, each from a different political party, shall be appointed for a term of four years. The governor shall designate the term of office for each person appointed when making the initial appointment. The terms of their successors shall be for four years. There is no limitation on the number of terms any appointed member may serve. The terms of all members shall continue until their successors have been duly appointed and qualified. If a vacancy occurs in the appointed membership, the governor shall appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause.

3. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties.

4. At the first meeting of the commission, which shall be called by the state geologist, and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman. The members of the commission shall appoint a qualified director who shall be a full-time employee of the commission and who shall act as its administrative agent. The commission shall determine the compensation of the director to be payable from appropriations made for that purpose.

444.762. It is hereby declared to be the policy of this state to strike a balance between [~~surface~~] mining of minerals and reclamation of land subjected to surface disturbance by [~~surface~~] mining, as contemporaneously as possible, and for the conservation of land, and thereby to preserve natural resources, to encourage the planting of forests, to advance the seeding of grasses and legumes for grazing purposes and crops for harvest, to aid in the protection of wildlife and aquatic resources, to establish recreational, home and industrial sites, to protect and perpetuate the taxable value of property, and to protect and promote the health, safety and general welfare of the people of this state.

444.765. Wherever used or referred to in sections 444.760 to 444.790, unless a different meaning clearly appears from the context, the following terms mean:

(1) "Affected land", the pit area or area from which overburden shall have been removed, or upon which overburden has been deposited after September 28, 1971. When mining is conducted underground, affected land means any excavation or removal of overburden required to create access to mine openings, except that areas of disturbance encompassed by the actual underground openings for air shafts, portals, adits and haul roads in addition to disturbances within fifty feet of any openings for haul roads, portals or adits shall not be considered affected land. Sites which exceed the excluded areas by more than one acre for underground mining operations shall obtain a permit for the total extent of affected lands with no exclusions as required under sections 444.760 to 444.790;

(2) "Beneficiation", the dressing or processing of minerals for the purpose of regulating the size of the desired product, removing unwanted constituents, and improving the quality or purity of a desired product;

(3) “Commercial purpose”, the purpose of extracting minerals for their value in sales to other persons or for incorporation into a product;

(4) “Commission”, the [land reclamation] **Missouri mining** commission in the department of natural resources **created by section 444.520**;

(5) “Construction”, construction, erection, alteration, maintenance, or repair of any facility including but not limited to any building, structure, highway, road, bridge, viaduct, water or sewer line, pipeline or utility line, and demolition, excavation, land clearance, and moving of minerals or fill dirt in connection therewith;

(6) “Department”, the department of natural resources;

(7) “Director”, the staff director of the [land reclamation] **Missouri mining** commission **or his or her designee**;

(8) “Excavation”, any operation in which earth, minerals, or other material in or on the ground is moved, removed, or otherwise displaced for purposes of construction at the site of excavation, by means of any tools, equipment, or explosives and includes, but is not limited to, backfilling, grading, trenching, digging, ditching, drilling, well-drilling, auguring, boring, tunneling, scraping, cable or pipe plowing, plowing-in, pulling-in, ripping, driving, demolition of structures, and the use of high-velocity air to disintegrate and suction to remove earth and other materials. For purposes of this section, excavation or removal of overburden for purposes of mining for a commercial purpose or for purposes of reclamation of land subjected to surface mining is not included in this definition. Neither shall excavations of sand and gravel by political subdivisions using their own personnel and equipment or private individuals for personal use be included in this definition;

(9) “Fill dirt”, material removed from its natural location through mining or construction activity, which is a mixture of unconsolidated earthy material, which may include some minerals, and which is used to fill, raise, or level the surface of the ground at the site of disposition, which may be at the site it was removed or on other property, and which is not processed to extract mineral components of the mixture. Backfill material for use in completing reclamation is not included in this definition;

(10) “Land improvement”, work performed by or for a public or private owner or lessor of real property for purposes of improving the suitability of the property for construction at an undetermined future date, where specific plans for construction do not currently exist;

(11) “Mineral”, a constituent of the earth in a solid state which, when extracted from the earth, is usable in its natural form or is capable of conversion into a usable form as a chemical, an energy source, or raw material for manufacturing or construction material. For the purposes of this section, this definition includes barite, tar sands, [and] oil shales, **cadmium, barium, nickel, cobalt, molybdenum, germanium, gallium, tellurium, selenium, vanadium, indium, mercury, uranium, rare earth elements, platinum group elements, manganese, phosphorus, sodium, titanium, zirconium, lithium, thorium, or tungsten**; but does not include iron, lead, zinc, gold, silver, coal, surface or subsurface water, fill dirt, natural oil or gas together with other chemicals recovered therewith;

(12) “Mining”, the removal of overburden and extraction of underlying minerals or the extraction of minerals from exposed natural deposits for a commercial purpose, as defined by this section;

(13) “Operator”, any person, firm or corporation engaged in and controlling a surface mining operation;

(14) “Overburden”, all of the earth and other materials which lie above natural deposits of minerals; and also means such earth and other materials disturbed from their natural state in the process of surface mining other than what is defined in subdivision (10) of this section;

(15) “Peak”, a projecting point of overburden created in the surface mining process;

(16) “Pit”, the place where minerals are being or have been mined by surface mining;

(17) “Public entity”, the state or any officer, official, authority, board, or commission of the state and any county, city, or other political subdivision of the state, or any institution supported in whole or in part by public funds;

(18) “Refuse”, all waste material directly connected with the cleaning and preparation of substance mined by surface mining;

(19) “Ridge”, a lengthened elevation of overburden created in the surface mining process;

(20) “Site” or “mining site”, any location or group of associated locations separated by a natural barrier where minerals are being surface mined by the same operator;

(21) “Surface mining”, the mining of minerals for commercial purposes by removing the overburden lying above natural deposits thereof, and mining directly from the natural deposits thereby exposed, and shall include mining of exposed natural deposits of such minerals over which no overburden lies and, after August 28, 1990, the surface effects of underground mining operations for such minerals. For purposes of the provisions of sections 444.760 to 444.790, surface mining shall not include excavations to move minerals or fill dirt within the confines of the real property where excavation occurs or to remove minerals or fill dirt from the real property in preparation for construction at the site of excavation. No excavation of fill dirt shall be deemed surface mining regardless of the site of disposition or whether construction occurs at the site of excavation.

444.768. 1. Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the fee, bond, or assessment structure as set forth in chapter 444. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from regulated entities and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee, bond, or assessment structure with stakeholder agreement to the Missouri mining commission. The commission shall review such recommendations at a forthcoming regular or special meeting, but shall not vote on the proposed structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority, the fee, bond, or assessment structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year, at which point the existing fee, bond, or assessment structure shall expire. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any

regulation filed under this subsection, the department and the commission shall not implement the proposed fee, bond, or assessment structure and shall continue to use the previous fee, bond, or assessment structure. The authority for the commission to further revise the fee, bond, or assessment structure as provided in this subsection shall expire on August 28, 2024.

2. Failure to pay any fee, bond, or assessment, or any portion thereof, referenced in this section by the due date may result in the imposition of a late fee equal to fifteen percent of the unpaid amount, plus ten percent interest per annum. Any order issued by the department under chapter 444 may require payment of such amounts. The department may bring an action in the appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee collection. Such action may be brought in the circuit court of the county in which the facility is located, or in the circuit court of Cole County.

444.770. 1. It shall be unlawful for any operator to engage in surface mining without first obtaining from the commission a permit to do so, in such form as is hereinafter provided, including any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, except as provided in subsection 2 of this section.

2. (1) A property owner or operator conducting gravel removal at the request of a property owner for the primary purpose of managing seasonal gravel accretion on property not used primarily for gravel mining, or a political subdivision who contracts with an operator for excavation to obtain sand and gravel material solely for the use of such political subdivision shall be exempt from obtaining a permit as required in subsection 1 of this section. Such gravel removal shall be conducted solely on the property owner's or political subdivision's property and shall be in accordance with department guidelines, rules, and regulations. The property owner shall notify the department before any person or operator conducts gravel removal from the property owner's property if the gravel is sold. Notification shall include the nature of the activity, name of the county and stream in which the site is located and the property owner's name. The property owner shall not be required to notify the department regarding any gravel removal at each site location for up to one year from the original notification regarding that site. The property owner shall renotify the department before any person or operator conducts gravel removal at any site after the expiration of one year from the previous notification regarding that site. At the time of each notification to the department, the department shall provide the property owner with a copy of the department's guidelines, rules, and regulations relevant to the activity reported. Said guidelines, rules and regulations may be transmitted either by mail or via the internet.

(2) The annual tonnage of gravel mined by such property owner or operator conducting gravel removal at the request of a property owner shall be less than two thousand tons, with a site limitation of one thousand tons annually. Any operator conducting gravel removal at the request of a property owner that has removed two thousand tons of sand and gravel material within one calendar year shall have a watershed management practice plan approved by the commission in order to remove any future sand or gravel material the remainder of the calendar year. The application for approval shall be accompanied by an application fee equivalent to the fee paid under section 444.772 and shall contain the name of the watershed from which the operator will be conducting sand and gravel removal, the location within the watershed district that the sand and gravel will be removed, and the description of the vehicles and equipment used for removal. Upon approval of the watershed management practice plan, the department shall provide a copy of the relevant commission regulations to the operator.

(3) No property owner or operator conducting gravel removal at the request of a property owner for the primary purpose of managing seasonal gravel accretion on property not used primarily for gravel mining shall conduct gravel removal from any site located within a distance, to be determined by the commission and included in the guidelines, rules, and regulations given to the property owner at the time of notification, of any building, structure, highway, road, bridge, viaduct, water or sewer line, and pipeline or utility line.

3. Sections 444.760 to 444.790 shall apply only to those areas which are opened on or after January 1, 1972, or to the extended portion of affected areas extended after that date. The effective date of this section for minerals not previously covered under the provisions of sections 444.760 to 444.790 shall be August 28, 1990.

4. All surface mining operations where land is affected after September 28, 1971, which are under the control of any government agency whose regulations are equal to or greater than those imposed by section 444.774, are not subject to the further provisions of sections 444.760 to 444.790, except that such operations shall be registered with the [land reclamation] **Missouri mining** commission.

5. Any portion of a surface mining operation which is subject to the provisions of sections 260.200 to 260.245 and the regulations promulgated thereunder, shall not be subject to the provisions of sections 444.760 to 444.790, and any bonds or portions thereof applicable to such operations shall be promptly released by the commission, and the associated permits cancelled by the commission upon presentation to it of satisfactory evidence that the operator has received a permit pursuant to section 260.205 and the regulations promulgated thereunder. Any land reclamation bond associated with such released permits shall be retained by the commission until presentation to the commission of satisfactory evidence that:

(1) The operator has complied with sections 260.226 and 260.227, and the regulations promulgated thereunder, pertaining to closure and postclosure plans and financial assurance instruments; and

(2) The operator has commenced operation of the solid waste disposal area or sanitary landfill as those terms are defined in chapter 260.

6. Notwithstanding the provisions of subsection 1 of this section, any political subdivision which uses its own personnel and equipment or any private individual for personal use may conduct in-stream gravel operations without obtaining from the commission a permit to conduct such an activity.

7. Any person filing a complaint of an alleged violation of this section with the department shall identify themselves by name and telephone number, provide the date and location of the violation, and provide adequate information, as determined by the department, that there has been a violation.

Any records, statements, or communications submitted by any person to the department relevant to the complaint shall remain confidential and used solely by the department to investigate such alleged violation.”; and

Further amend said bill, Page 7, Section 444.773, Line 92, by inserting after all of said section and line the following:

“444.805. As used in this law, unless the context clearly indicates otherwise, the following words and terms mean:

(1) “Approximate original contour”, that surface configuration achieved by backfilling and grading of the mined area so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage

pattern of the surrounding terrain, with all highwalls and spoil piles eliminated; water impoundments may be permitted where the commission determines that they are in compliance with subdivision (8) of subsection 2 of section 444.855;

(2) “Coal preparation area”, that portion of the permitted area used for the beneficiation of raw coal and structures related to the beneficiation process such as the washer, tippie, crusher, slurry pond or ponds, gob pile and all waste material directly connected with the cleaning, preparation and shipping of coal, but does not include subsurface coal waste disposal areas;

(3) “Coal preparation area reclamation”, the reclamation of the coal preparation area by disposal or burial or both of coal waste according to the approved reclamation plan, the replacement of topsoil, and initial seeding;

(4) “Commission”, the [land reclamation] **Missouri mining** commission created by section 444.520;

(5) “Director”, the **staff** director of the [land reclamation] **Missouri mining** commission;

(6) “Federal lands”, any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands;

(7) “Federal lands program”, a program established by the United States Secretary of the Interior to regulate surface coal mining and reclamation operations on federal lands;

(8) “Imminent danger to the health and safety of the public”, the existence of any condition or practice, or any violation of a permit or other requirement of this law in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril, would not expose himself or herself to the danger during the time necessary for abatement;

(9) “Operator”, any person engaged in coal mining;

(10) “Permit”, a permit to conduct surface coal mining and reclamation operations issued by the commission;

(11) “Permit area”, the area of land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the operator’s bond and shall be readily identifiable by appropriate markers on the site;

(12) “Permittee”, a person holding a permit;

(13) “Person”, any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(14) “Phase I reclamation”, the filling and grading of all areas disturbed in the conduct of surface coal mining operations, including the replacement of top soil and initial seeding;

(15) “Phase I reclamation bond”, a bond for performance filed by a permittee pursuant to section

444.950 that may have no less than eighty percent released upon the successful completion of phase I reclamation of a permit area in accordance with the approved reclamation plan, with the rest of the bond remaining in effect until phase III liability is released;

(16) “Prime farmland”, land which historically has been used for intensive agricultural purposes, and which meets the technical criteria established by the commission on the basis of such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics;

(17) “Reclamation plan”, a plan submitted by an applicant for a permit which sets forth a plan for reclamation of the proposed surface coal mining operations;

(18) “Surface coal mining and reclamation operations”, surface coal mining operations and all activities necessary and incident to the reclamation of such operations;

(19) “Surface coal mining operations”, or “affected land”, or “disturbed land”:

(a) Activities conducted on the surface of lands in connection with a surface coal mine or surface operations and surface impacts incident to an underground coal mine. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; provided, however, that such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percentum of the tonnage of minerals removed for purposes of commercial use or sale, or coal explorations subject to section 444.845; and

(b) The areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

(20) “This law” or “law”, sections 444.800 to 444.970;

(21) “Unwarranted failure to comply”, the failure of a permittee to prevent the occurrence of any violation of the permit, reclamation plan, law or rule and regulation, due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any such violation due to indifference, lack of diligence, or lack of reasonable care.

640.015. 1. All provisions of the law to the contrary notwithstanding, all rules that prescribe environmental conditions or standards promulgated by the department of natural resources, a board or a commission, pursuant to authorities granted in this chapter and chapters 260, 278, 319, 444, 643, and 644, the hazardous waste management commission in chapter 260, the state soil and water districts commission in chapter 278, the [land reclamation] **Missouri mining** commission in chapter 444, the safe drinking water commission in this chapter, the air conservation commission in chapter 643, and the clean water commission

in chapter 644 shall cite the specific section of law or legal authority. The rule shall also be based on the regulatory impact report provided in this section.

2. The regulatory impact report required by this section shall include:

- (1) A report on the peer-reviewed scientific data used to commence the rulemaking process;
- (2) A description of persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule;
- (3) A description of the environmental and economic costs and benefits of the proposed rule;
- (4) The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue;
- (5) A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits;
- (6) A determination of whether there are less costly or less intrusive methods for achieving the proposed rule;
- (7) A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule;
- (8) An analysis of both short-term and long-term consequences of the proposed rule;
- (9) An explanation of the risks to human health, public welfare, or the environment addressed by the proposed rule;
- (10) The identification of the sources of scientific information used in evaluating the risk and a summary of such information;
- (11) A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate;
- (12) A description of any significant countervailing risks that may be caused by the proposed rule; and
- (13) The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare, or environmental outcomes.

3. The department, board, or commission shall develop the regulatory impact report required by this section using peer-reviewed and published data or when the peer-reviewed data is not reasonably available, a written explanation shall be filed at the time of the rule promulgation notice explaining why the peer-reviewed data was not available to support the regulation. If the peer-reviewed data is not available, the department must provide all scientific references and the types, amount, and sources of scientific information that was used to develop the rule at the time of the rule promulgation notice.

4. The department, board, or commission shall publish in at least one newspaper of general circulation, qualified pursuant to chapter 493, with an average circulation of twenty thousand or more and on the department, board, or commission website a notice of availability of any regulatory impact report conducted pursuant to this section and shall make such assessments and analyses available to the public by posting them on the department, board, or commission website. The department, board, or commission shall allow

at least sixty days for the public to submit comments and shall post all comments and respond to all significant comments prior to promulgating the rule.

5. The department, board, or commission shall file a copy of the regulatory impact report with the joint committee on administrative rules concurrently with the filing of the proposed rule pursuant to section 536.024.

6. If the department, board, or commission fails to conduct the regulatory impact report as required for each proposed rule pursuant to this section, such rule shall be void unless the written explanation delineating why the peer-reviewed data was not available has been filed at the time of the rule promulgation notice.

7. Any other provision of this section to the contrary notwithstanding, the department, board, or commission referenced in subsection 1 of this section may adopt a rule without conducting a regulatory impact report if the director of the department determines that immediate action is necessary to protect human health, public welfare, or the environment; provided, however, in doing so, the department, board, or commission shall be required to provide written justification as to why it deviated from conducting a regulatory impact report and shall complete the regulatory impact report within one hundred eighty days of the adoption of the rule.

8. The provisions of this section shall not apply if the department adopts environmental protection agency rules and rules from other applicable federal agencies without variance.

640.016. 1. The department of natural resources shall not place in any permit any requirement, provision, stipulation, or any other restriction which is not prescribed or authorized by regulation or statute, unless the requirement, provision, stipulation, or other restriction is pursuant to the authority addressed in statute.

2. Prior to submitting a permit to public comment the department of natural resources shall deliver such permit to the permit applicant at the contact address on the permit application for final review. In the interest of expediting permit issuance, permit applicants may waive the opportunity to review draft permits prior to public notice. The permit applicant shall have ten days to review the permit for errors. Upon receipt of the applicant's review of the permit, the department of natural resources shall correct the permit where nonsubstantive drafting errors exist. The department of natural resources shall make such changes within ten days and submit the permit for public comment. If the permit applicant is not provided the opportunity to review permits prior to submission for public comment, the permit applicant shall have the authority to correct drafting errors in their permits after they are issued without paying any fee for such changes or modifications.

3. In any matter where a permit is denied by the department of natural resources pursuant to authorities granted in this chapter and chapters 260, 278, 319, 444, 643, and 644, the hazardous waste management commission in chapter 260, the state soil and water districts commission in chapter 278, the [land reclamation] **Missouri mining** commission in chapter 444, the safe drinking water commission in this chapter, the air conservation commission in chapter 643, and the clean water commission in chapter 644, such denial shall clearly state the basis for such denial.

4. Once a permit or action has been approved by the department, the department shall not revoke or change, without written permission from the permittee, the decision for a period of one year or unless the department determines that immediate action is necessary to protect human health, public welfare, or the environment.

640.100. 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536 and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, including but not limited to section 536.028, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644 shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any supplier, make any analyses or tests required pursuant to the terms of section 192.320 and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections 640.100 to 640.140. The laboratory services and program administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as

specified in section 640.110. The analysis of all drinking water required by section 192.320 and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

5. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. [The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Reductions shall be roughly proportional but in each case shall be divisible by twelve.] Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections.	\$ 3.24
1,001 to 4,000 connections.	3.00
4,001 to 7,000 connections.	2.76
7,001 to 10,000 connections.	2.40
10,001 to 20,000 connections.	2.16
20,001 to 35,000 connections.	1.92
35,001 to 50,000 connections.	1.56
50,001 to 100,000 connections.	1.32
More than 100,000 connections.	1.08.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed seven dollars and forty-four cents; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed forty-one dollars and sixteen cents; and for customers with meters greater than four inches in size shall not exceed eighty-two dollars and forty-four cents.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

6. Fees imposed pursuant to subsection 5 of this section shall become effective on August 28, 2006, and shall be collected by the public water system serving the customer beginning September 1, 2006, and

continuing until such time that the safe drinking water commission, at its discretion, specifies a [lower] **different** amount under [subdivision (1) of] subsection [5] **8** of this section. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this section **and fees established by the commission pursuant to subsection 8 of this section** are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

7. Imposition and collection of the fees authorized in subsection 5 **and fees established by the commission pursuant to subsection 8** of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the quarter during which such delegated authority is reinstated.

8. [Fees imposed pursuant to subsection 5 of this section shall expire on September 1, 2017.] **Notwithstanding any statutory fee amounts or maximums to the contrary, the department of natural resources may conduct a comprehensive review and propose changes to the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from public and private water suppliers, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the safe drinking water commission. The commission shall review such recommendations at a forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or six of nine commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year, at which point the existing fee structure shall expire. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly within the first sixty calendar days of the regular session immediately following the filing of such regulation, disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, 2024.**

643.055. 1. Other provisions of law notwithstanding, the Missouri air conservation commission shall have the authority to promulgate rules and regulations, pursuant to chapter 536, to establish standards and guidelines to ensure that the state of Missouri is in compliance with the provisions of the federal Clean Air Act, as amended (42 U.S.C. Section 7401, et seq.). The standards and guidelines so established shall not be any stricter than those required under the provisions of the federal Clean Air Act, as amended; nor shall those standards and guidelines be enforced in any area of the state prior to the time required by the federal

Clean Air Act, as amended. The restrictions of this section shall not apply to the parts of a state implementation plan developed by the commission to bring a nonattainment area into compliance and to maintain compliance when needed to have a United States Environmental Protection Agency approved state implementation plan. The determination of which parts of a state implementation plan are not subject to the restrictions of this section shall be based upon specific findings of fact by the air conservation commission as to the rules, regulations and criteria that are needed to have a United States Environmental Protection Agency approved plan.

2. The Missouri air conservation commission shall also have the authority to grant exceptions and variances from the rules set under subsection 1 of this section when the person applying for the exception or variance can show that compliance with such rules:

- (1) Would cause economic hardship; or
- (2) Is physically impossible; or
- (3) Is more detrimental to the environment than the variance would be; or
- (4) Is impractical or of insignificant value under the existing conditions.

3. The department shall not regulate the manufacture, performance, or use of residential wood burning heaters or appliances through a state implementation plan or otherwise, unless first specifically authorized to do so by the general assembly. No rule or regulation respecting the establishment or the enforcement of performance standards for residential wood burning heaters or appliances shall become effective unless and until first approved by the joint committee on administrative rules.

4. New rules or regulations shall not be applied to existing wood burning furnaces, stoves, fireplaces, or heaters that individuals are currently using as their source of heat for their homes or businesses. All wood burning furnaces, stoves, fireplaces, and heaters existing on August 28, 2014 shall be not subject to any rules or regulations enacted after such date. No employee of the state or state agency shall enforce any new rules or regulations against such existing wood burning furnaces, stoves, fireplaces, and heaters.

643.079. 1. Any air contaminant source required to obtain a permit issued under sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted. Thereafter, the fee shall be set every three years by the commission by rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the commission may make annual adjustments to the fee by rule. The fee shall be set at an amount consistent with the need to fund the reasonable cost of administering sections 643.010 to 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility shall be considered one source under the definition of subsection 2 of section 643.078, except that a facility with multiple operating permits shall pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit.

2. A source which produces charcoal from wood shall pay an annual emission fee under this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated air contaminant emitted for the first four

thousand tons of each contaminant emitted in the amount established by the commission pursuant to subsection 1 of this section, reduced according to the following schedule:

(1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be reduced by one hundred percent;

(2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

(3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

3. The fees imposed in subsection 2 of this section shall not be imposed or collected after the year 2000 unless the general assembly reimposes the fee.

4. Each air contaminant source with a permit issued under sections 643.010 to 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each year but no air contaminant source shall pay fees on total emissions of regulated air contaminants in excess of twelve thousand tons in any calendar year. A permitted air contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per ton set by the commission. An air contaminant source which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may deduct such fees from any amount due under this section. The fees imposed in this section shall not be applied to carbon oxide emissions. The fees imposed in subsection 1 and this subsection shall not be applied to sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq., any sooner than January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit shall be reduced by the amount of the service fee paid by that Phase I affected unit pursuant to subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall follow the procedures set forth in subsection 1 and this subsection and shall not be applied retroactively.

5. Moneys collected under this section shall be transmitted to the director of revenue for deposit in appropriate subaccounts of the natural resources protection fund created in section 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section 7661, et seq., and used, upon appropriation, to fund activities by the department to implement the operating permits program authorized by Title V of the federal Clean Air Act, as amended. Another subaccount shall be maintained for fees paid by air contaminant sources which are not required to be permitted under Title V of the federal Clean Air Act as amended, and used, upon appropriation, to fund other air pollution control program activities. Another subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase I affected units which are subject to the requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon appropriation, to fund air pollution control program activities. The provisions of section 33.080 to the contrary notwithstanding, moneys in the fund shall not revert to general revenue at the end of each biennium. Interest earned by moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees established under subsection 1 of this section may be adjusted annually, consistent with the need to fund the reasonable costs of the program, but shall not be less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of regulated air contaminant. The first adjustment shall apply to moneys payable on April 1, 1994,

and shall be based upon the general price level for the twelve-month period ending on August thirty-first of the previous calendar year.

6. The department may initiate a civil action in circuit court against any air contaminant source which has not remitted the appropriate fees within thirty days. In any judgment against the source, the department shall be awarded interest at a rate determined pursuant to section 408.030 and reasonable attorney's fees. In any judgment against the department, the source shall be awarded reasonable attorney's fees.

7. The department shall not suspend or revoke a permit for an air contaminant source solely because the source has not submitted the fees pursuant to this section.

8. Any Phase I affected unit which is subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall pay annually beginning April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for each Phase I affected generating unit to help fund the administration of sections 643.010 to 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following public hearing, based on an annual allocation prepared by the department showing the details of all costs and expenses upon which such fees are based consistent with the department's reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its responsibilities with respect to Phase I affected units, but such service fee shall not exceed twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located on one or more contiguous tracts of land with any Phase II generating unit that pays fees under subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public roads, highways and railroads, which is under the control of or owned by the permit holder and operated as a single enterprise.

9. The department of natural resources shall determine the fees due pursuant to this section by the state of Missouri and its departments, agencies and institutions, including two- and four-year institutions of higher education. The director of the department of natural resources shall forward the various totals due to the joint committee on capital improvements and the directors of the individual departments, agencies and institutions. The departments, as part of the budget process, shall annually request by specific line item appropriation funds to pay said fees and capital funding for projects determined to significantly improve air quality. If the general assembly fails to appropriate funds for emissions fees as specifically requested, the departments, agencies and institutions shall pay said fees from other sources of revenue or funds available. The state of Missouri and its departments, agencies and institutions may receive assistance from the small business technical assistance program established pursuant to section 643.173.

10. **Notwithstanding any statutory fee amounts or maximums to the contrary**, the [director of the] department of natural resources may conduct a comprehensive review [of] **and propose changes to** the fee structure [set forth in this section. The comprehensive review shall include] **authorized by sections 643.073, 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and 643.242 after holding stakeholder meetings in order to solicit stakeholder input from each of the following groups: the asbestos industry, electric utilities, mineral and metallic mining and processing facilities, cement kiln representatives, and any other interested industrial or business entities or interested parties.** [Upon completion of the comprehensive review,] The department shall submit a proposed [changes to the] fee structure with stakeholder agreement to the air conservation commission. The commission shall[, upon receiving the department's recommendations,] review such recommendations at the forthcoming regular or special meeting, **but shall not vote on the fee structure until a subsequent meeting.** [The commission shall review fee structure

recommendations from the department. The commission shall not take a vote on the fee structure recommendations until the following regular or special meeting.] If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall [promulgate by regulation and publish the recommended fee structure no later than October first of the same year. The commission shall] **authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the [next odd-numbered] following calendar year and the previous fee structure [set out in this section] shall expire upon the effective date of the commission-adopted fee structure. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the [promulgation] filing of such regulation, by concurrent resolution[, shall disapprove the fee structure contained in such regulation] **disapproves the regulation by concurrent resolution.** If the general assembly so disapproves any regulation [promulgated] **filed** under this subsection, the [air conservation] commission shall continue to use the **previous** fee structure [set forth in the most recent preceding regulation promulgated under this subsection]. **The authority of the commission to further revise the fee structure as provided by** this subsection shall expire on August 28, [2023] **2024.****

644.026. 1. The commission shall:

- (1) Exercise general supervision of the administration and enforcement of sections 644.006 to 644.141 and all rules and regulations and orders promulgated thereunder;
- (2) Develop comprehensive plans and programs for the prevention, control and abatement of new or existing pollution of the waters of the state;
- (3) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, and with affected groups, political subdivisions and industries in furtherance of the purposes of sections 644.006 to 644.141;
- (4) Accept gifts, contributions, donations, loans and grants from the federal government and from other sources, public or private, for carrying out any of its functions, which funds shall not be expended for other than the purposes for which provided;
- (5) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary for the discharge of its duties pursuant to sections 644.006 to 644.141;
- (6) Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;
- (7) After holding public hearings, identify waters of the state and prescribe water quality standards for them, giving due recognition to variations, if any, and the characteristics of different waters of the state which may be deemed by the commission to be relevant insofar as possible pursuant to any federal water pollution control act. These shall be reevaluated and modified as required by any federal water pollution control act;

(8) Adopt, amend, promulgate, or repeal after due notice and hearing rules and regulations to enforce, implement, and effectuate the powers and duties of sections 644.006 to 644.141 and any required of this state by any federal water pollution control act, and as the commission may deem necessary to prevent, control and abate existing or potential pollution. In addition to opportunities to submit written statements or provide testimony at public hearings in support of or in opposition to proposed rulemakings as required by section 536.021, any person who submits written comments or oral testimony on a proposed rule shall, at any public meeting to vote on an order of rulemaking or other commission policy, have the opportunity to respond to the proposed order of rulemaking or department of natural resources' response to comments to the extent that such response is limited to issues raised in oral or written comments made during the public notice comment period or public hearing on the proposed rule;

(9) Issue, modify or revoke orders prohibiting or abating discharges of water contaminants into the waters of the state or adopting other remedial measures to prevent, control or abate pollution;

(10) Administer state and federal grants and loans to municipalities and political subdivisions for the planning and construction of sewage treatment works;

(11) Hold such hearings, issue such notices of hearings and subpoenas requiring the attendance of such witnesses and the production of such evidence, administer such oaths, and take such testimony as the commission deems necessary or as required by any federal water pollution control act. Any of these powers may be exercised on behalf of the commission by any members thereof or a hearing officer designated by it;

(12) Require the prior submission of plans and specifications, or other data including the quantity and types of water contaminants, and inspect the construction of treatment facilities and sewer systems or any part thereof in connection with the issuance of such permits or approval as are required by sections 644.006 to 644.141, except that manholes and polyvinyl chloride (PVC) pipe used for gravity sewers and with a diameter no greater than twenty-seven inches shall not be required to be tested for leakage;

(13) Issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution or any violations of sections 644.006 to 644.141 or any federal water pollution control act, permits for the discharge of water contaminants into the waters of this state, and for the installation, modification or operation of treatment facilities, sewer systems or any parts thereof. Such permit conditions, in addition to all other requirements of this subdivision, shall ensure compliance with all effluent regulations or limitations, water quality related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and time schedules thereunder as established by sections 644.006 to 644.141 and any federal water pollution control act; however, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works;

(14) Establish permits by rule. Such permits shall only be available for those facilities or classes of facilities that control potential water contaminants that pose a reduced threat to public health or the environment and that are in compliance with commission water quality standards rules, effluent rules or rules establishing permits by rule. Such permits by rule shall have the same legal standing as other permits issued pursuant to this chapter. Nothing in this section shall prohibit the commission from requiring a site-specific permit or a general permit for individual facilities;

(15) Require proper maintenance and operation of treatment facilities and sewer systems and proper

disposal of residual waste from all such facilities and systems;

(16) Exercise all incidental powers necessary to carry out the purposes of sections 644.006 to 644.141, assure that the state of Missouri complies with any federal water pollution control act, retains maximum control thereunder and receives all desired federal grants, aid and benefits;

(17) Establish effluent and pretreatment and toxic material control regulations to further the purposes of sections 644.006 to 644.141 and as required to ensure compliance with all effluent limitations, water quality-related effluent limitations, national standards of performance and toxic and pretreatment effluent standards, and all requirements and any time schedules thereunder, as established by any federal water pollution control act for point sources in this state, and where necessary to prevent violation of water quality standards of this state;

(18) Prohibit all discharges of radiological, chemical, or biological warfare agent or high-level radioactive waste into waters of this state;

(19) Require that all publicly owned treatment works or facilities which receive or have received grants or loans from the state or the federal government for construction or improvement make all charges required by sections 644.006 to 644.141 or any federal water pollution control act for use and recovery of capital costs, and the operating authority for such works or facility is hereby authorized to make any such charges;

(20) Represent the state of Missouri in all matters pertaining to interstate water pollution including the negotiation of interstate compacts or agreements;

(21) Develop such facts and make such investigations as are consistent with the purposes of sections 644.006 to 644.141, and, in connection therewith, to enter or authorize any representative of the commission to enter at all reasonable times and upon reasonable notice in or upon any private or public property for any purpose required by any federal water pollution control act or sections 644.006 to 644.141 for the purpose of developing rules, regulations, limitations, standards, or permit conditions, or inspecting or investigating any records required to be kept by sections 644.006 to 644.141 or any permit issued pursuant to sections 644.006 to 644.141, any condition which the commission or director has probable cause to believe to be a water contaminant source or the site of any suspected violation of sections 644.006 to 644.141, regulations, standards, or limitations, or permits issued pursuant to sections 644.006 to 644.141. The results of any such investigation shall be reduced to writing, and shall be furnished to the owner or operator of the property. No person shall refuse entry or access, requested for the purposes of inspection pursuant to this subdivision, to an authorized representative in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any representative for the purpose of enabling him or her to make such inspection. Information obtained pursuant to this section shall be available to the public unless it constitutes trade secrets or confidential information, other than effluent data, of the person from whom it is obtained, except when disclosure is required pursuant to any federal water pollution control act;

(22) Retain, employ, provide for, and compensate, within appropriations available therefor, such consultants, assistants, deputies, clerks and other employees on a full- or part-time basis as may be necessary to carry out the provisions of sections 644.006 to 644.141 and prescribe the times at which they shall be appointed and their powers and duties;

(23) Secure necessary scientific, technical, administrative and operation services, including laboratory facilities, by contract or otherwise, with any educational institution, experiment station, or any board,

department, or other agency of any political subdivision of the state or the federal government;

(24) Require persons owning or engaged in operations which do or could discharge water contaminants, or introduce water contaminants or pollutants of a quality and quantity to be established by the commission, into any publicly owned treatment works or facility, to provide and maintain any facilities and conduct any tests and monitoring necessary to establish and maintain records and to file reports containing information relating to measures to prevent, lessen or render any discharge less harmful or relating to rate, period, composition, temperature, and quality and quantity of the effluent, and any other information required by any federal water pollution control act or the director, and to make them public, except as provided in subdivision (21) of this section. The commission shall develop and adopt such procedures for inspection, investigation, testing, sampling, monitoring and entry respecting water contaminant and point sources as may be required for approval of such a program pursuant to any federal water pollution control act;

(25) Take any action necessary to implement continuing planning processes and areawide waste treatment management as established pursuant to any federal water pollution control act or sections 644.006 to 644.141;

(26) Exercise general supervision of the department as the sole designated state agency with authority to administer the federal Clean Water Act in the state of Missouri, which shall include authority to approve any stream or wetland mitigation used in connection with any section 401 water quality certification.

2. No rule or portion of a rule promulgated pursuant to this chapter shall become effective unless it has been promulgated pursuant to chapter 536.

644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds an operating permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no operating permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. It shall be unlawful for any person to construct, build, replace or make major modification to any point source or collection system that is principally designed to convey or discharge human sewage to waters of the state, unless such person obtains a construction permit from the commission, except as provided in this section. The following activities shall be excluded from construction permit requirements:

- (1) Facilities greater than one million gallons per day that are authorized through a local supervised program, and are not receiving any department financial assistance;
- (2) All sewer extensions or collection projects that are one thousand feet in length or less with fewer than two lift stations;
- (3) All sewer collection projects that are authorized through a local supervised program; and
- (4) Any other exclusions the commission may promulgate by rule.

[However, nothing shall prevent the department from taking action to assure protection of the environment and human health.] A construction permit may be required [where necessary as determined by the department, including] **by the department in the following circumstances:**

- (a) Substantial deviation from the commission's design standards;
- (b) To [correct] **address** noncompliance;
- (c) When an unauthorized discharge has occurred or has the potential to occur; or
- (d) To correct a violation of water quality standards.

In addition, any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater also shall be subject to the construction permit provisions of this subsection. All other construction-related activities at point sources shall be exempt from the construction permit requirements. All activities that are exempted from the construction permit requirement are subject to the following conditions:

- a. Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commission's design rules;
- b. Such point source system shall be constructed in accordance with the registered professional engineer's design and plans; and
- c. Such point source system may receive a post-construction site inspection by the department prior to receiving operating permit approval. A site inspection may be performed by the department, upon receipt of a complete operating permit application or submission of an engineer's statement of work complete.

A governmental unit may apply to the department for authorization to operate a local supervised program, and the department may authorize such a program. A local supervised program would recognize the governmental unit's engineering capacity and ability to conduct engineering work, supervise construction and maintain compliance with relevant operating permit requirements.

4. Before issuing any permit required by this section, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141,

shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit, a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit within thirty days of the department's issuance of the general permit. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section 640.012. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Permits may be modified, reissued, or terminated at the request of the permittee. All requests shall be in writing and shall contain facts or reasons supporting the request.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of a site-specific operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit. Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which

was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, “innovative technology for wastewater treatment” shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department’s receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the permits within sixty days of the department’s receipt of an application. For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director’s receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department’s receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director’s receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director’s receipt of the application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant’s permit fee plus interest and reasonable attorney’s fees as provided in sections 536.085 and 536.087. A refund of the initial application

or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

16. The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision (2) of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

18. Notices required to be made by the department pursuant to subsection 17 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection 17 of this section.

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

644.057. **Notwithstanding any statutory fee amounts or maximums to the contrary**, the director of the department of natural resources may conduct a comprehensive review [of] **and propose changes to** the clean water fee structure set forth in sections 644.052 [and], 644.053, **and 644.061**. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive review, the department shall submit a proposed [changes to the] fee structure with stakeholder agreement to the clean water commission. The commission shall[, upon receiving the department's recommendations,] review such recommendations at the forthcoming regular or special meeting [under subsection 3 of section 644.021], **but shall not vote on the fee structure until a subsequent meeting**. [The commission shall not take a vote on the clean water fee structure recommendations until the following regular or special meeting.] In no case shall the clean water commission adopt or recommend any clean water fee in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the [clean water] fee structure recommendations, the commission shall [promulgate by regulation and publish the recommended clean water fee structure no later than October first of the same year. The commission shall] **authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and**

after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the [next odd-numbered] **following calendar** year and the fee structures set forth in sections 644.052 [and], 644.053, **and 644.061** shall expire upon the effective date of the commission-adopted fee structure, contrary to section 644.054. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the [promulgation] **filing** of such regulation[, by concurrent resolution, shall disapprove the fee structure contained in such regulation] **disapproves the regulation by concurrent resolution**. If the general assembly so disapproves any regulation [promulgated] **filed** under this subsection, the [clean water commission shall continue to use the fee structure set forth in the most recent preceding regulation promulgated under this subsection.] **department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure provided by this section shall expire on August 28, [2023] 2024.**

644.058. Notwithstanding the provisions of section 644.026 to the contrary, in promulgating water quality standards, the commission shall only revise water quality standards upon the completion of an assessment by the department finding that there is an environmental need for such revision. As part of the implementation of any revised water quality standards modifications of twenty-five percent or more, the department shall conduct an evaluation which shall include the environmental and economic impacts of the revised water quality standards on a subbasin basis. This evaluation shall be conducted at the eight-digit hydrologic unit code level. The department shall document these evaluations and use them in making individual site-specific permit decisions.

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

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

(a) Issuing collection system extension permits;

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

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

(2) The exceptions provided under paragraph (c) of subdivision (1) of this subsection do not apply when

the community being served has less than three thousand three hundred residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(7)] **(8) An assessment of any other relevant local community economic condition.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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 **HCS** for **SCS** for **SB 567**, entitled:

An Act to repeal sections 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, and 660.420, RSMo, and to enact in lieu thereof sixteen new sections relating to adult day care, with penalty provisions.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 567, Page 1, Section 660.400, Line 1, by placing opening “[” and closing “]” brackets around “199.025 and”; and

Further amend said bill and section, Page 2, Line 34, by deleting all of said line and inserting in lieu thereof the following:

“[division] **department** in relation to the number of adults being cared for by such staff;”; and

Further amend said bill, Page 8, Section 660.407, Lines 6-7, by deleting all of said lines and inserting in lieu thereof the following:

“care program. The [division] **department** shall make at least two inspections per year, at least one of which shall be unannounced to the operator or provider. The [division] **department** may make such other inspections,”; and

Further amend said bill and page, Section 660.411, Line 4, by deleting all of said lines and inserting in lieu thereof the following:

“consultation to assist applicants for or holders of licenses [or provisional licenses] in meeting the”; and

Further amend said bill, Page 9, Section 660.416, Line 2, by placing opening “[” and closing “]” brackets around the words “or suspending”; and

Further amend said bill, Page 10, Section 660.418, Line 4, by placing opening “[” and closing “]” brackets around “199.025 and”; and

Further amend said bill, Page 11, Section 660.423, Line 13, by deleting the phrase “**this chapter**” and inserting in lieu thereof the phrase “**sections 660.403 to 660.420**”; and

Further amend said bill, Page 12, Section 660.424, Line 1, by inserting the word “**care**” immediately after the word “**day**”; 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 Committee Substitute for Senate Bill No. 567, Page 1,

In the Title, Line 4, by deleting the words “adult day care” and inserting in lieu thereof the words “public health”; and

Further amend said section and page, Section A, Line 5, by inserting after all of said section and line the following:

“174.335. 1. Beginning with the 2004-2005 school year and for each school year thereafter, every public institution of higher education in this state shall require all students who reside in on-campus housing to [sign a written waiver stating that the institution of higher education has provided the student, or if the student is a minor, the student’s parents or guardian, with detailed written information on the risks associated with meningococcal disease and the availability and effectiveness of] **have received the meningococcal vaccine unless a signed statement of medical or religious exemption is on file with the institution’s administration. A student shall be exempted from the immunization requirement of this section upon signed certification by a physician licensed under chapter 334, indicating that either the immunization would seriously endanger the student’s health or life or the student has documentation of the disease or laboratory evidence of immunity to the disease. A student shall be exempted from the immunization requirement of this section if he or she objects in writing to the institution’s administration that immunization violates his or her religious beliefs.**

2. [Any student who elects to receive the meningococcal vaccine shall not be required to sign a waiver referenced in subsection 1 of this section and shall present a record of said vaccination to the institution of higher education.

3.] Each public university or college in this state shall maintain records on the meningococcal vaccination status of every student residing in on-campus housing at the university or college[, including any written waivers executed pursuant to subsection 1 of this section].

[4.] **3.** Nothing in this section shall be construed as requiring any institution of higher education to provide or pay for vaccinations against meningococcal disease.

191.761. 1. Beginning July 1, 2015, the department of health and senior services shall provide a courier service to transport collected, donated umbilical cord blood samples to a nonprofit umbilical cord blood bank located in a city not within a county in existence as of the effective date of this section. The collection sites shall only be those facilities designated and trained by the blood bank in the collection and handling of umbilical cord blood specimens.

2. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

197.168. Each year between October first and March first and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, each hospital licensed under this chapter shall offer, prior to discharge and

with the approval of the attending physician or other practitioner authorized to order vaccinations or as authorized by physician-approved hospital policies or protocols for influenza vaccinations pursuant to state hospital regulations, immunizations against influenza virus to all inpatients sixty-five years of age and older unless contraindicated for such patient and contingent upon the availability of the vaccine.”; 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 refuses to adopt **SS** for **SCS** for **HCS** for **HB 1302** and request the Senate to recede from its position and take up and pass **HCS** for **HB 1302**.

On motion of Senator Richard, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kraus.

RESOLUTIONS

Senator Kraus offered Senate Resolution No. 3002, regarding Matthew Lee “Matt” Hartmann, Blue Springs, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3003, regarding Braedyn Hausdorf, Canton, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3004, regarding Jane Hunter, Macon, which was adopted.

PRIVILEGED MOTIONS

Senator Wasson moved that the **CCR** on **HCS** for **SS** for **SB 860** be taken up for adoption, which motion prevailed.

CCR on **HCS** for **SS** for **SB 860** was again taken up.

Senator Wasson 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	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Wasson, **CCS** for **HCS** for **SS** for **SB 860**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 860

An Act to repeal sections 143.221, 144.044, 144.049, 144.080, and 144.190, RSMo, and to enact in lieu thereof six new sections relating to taxation, with an existing penalty provision.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Wallingford, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 896**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 896

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 896, 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 Committee Substitute for Senate Bill No. 896, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 896;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 896 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Wayne Wallingford

/s/ Ryan Silvey

/s/ Rob Schaaf

/s/ Joseph P. Keaveny

/s/ Jamilah Nasheed

FOR THE HOUSE:

/s/ Kevin Engler

/s/ Kevin Austin

/s/ John Wright

Senator Wallingford 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	Holsman	Justus
Keaveny	Kehoe	LeVota	Libla	Munzlinger	Nasheed	Pearce	Richard
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators

Emery	Kraus	Lager	Lamping	Nieves—5
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Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

Senator Wallingford offered **SA 1**:**SENATE AMENDMENT NO. 1**

Amend Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 896, Page 6, Section 67.585, Line 23 of said page, by striking the following: “two-thirds”.

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

On motion of Senator Wallingford, **CCS** for **HCS** for **SCS** for **SB 896**, as amended by **SA 1**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 896**

An Act to repeal section 49.272, RSMo, and sections 1 to 21 of an act of the general assembly of the

state of Missouri approved on February 26, 1885, Laws of Missouri, pages 116 to 120, sections 1 to 11 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 to 133, and sections 1 to 10 of an act of the general assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 134 and 135, and to enact in lieu thereof four new sections relating to county governance, with a penalty provision.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kehoe	LeVota	Libla	Munzlinger	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—25

NAYS—Senators

Emery	Kraus	Lager	Lamping	Nieves—5
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Absent—Senator Nasheed—1

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Nieves assumed the Chair.

Senator Romine, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 729**, with **HA 1**, **HA 2**, **HA 3**, as amended and **HA 4**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 729

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 729, with House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended and House Amendment 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 House recede from its position on Senate Committee Substitute for Senate Bill No. 729, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 729;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 729 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Gary Romine
 /s/ Eric Schmitt
 /s/ Dan Brown
 /s/ Joseph P. Keaveny
 /s/ Jamilah Nasheed

FOR THE HOUSE:

/s/ Jeanie Lauer
 /s/ Paul Fitzwater
 /s/ Michele Kratky

Senator Romine 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	Holsman
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators—None

Absent—Senators

Justus Keaveny—2

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Romine, **CCS for SCS for SB 729**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 729**

An Act to repeal sections 135.305, 135.710, and 137.010, RSMo, and to enact in lieu thereof five new sections relating to taxation.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Wasson moved that **SS** for **SB 691**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 691**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 691

An Act to repeal sections 375.003 and 379.118, RSMo, and to enact in lieu thereof three new sections relating to certain personal lines policy provisions.

Was taken up.

Senator Wasson moved that **HCS** for **SS** for **SB 691** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Wasson, **HCS** for **SS** for **SB 691** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Chappelle-Nadal moved that **SB 727**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 727**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 727

An Act to amend chapters 144 and 208, RSMo, by adding thereto two new sections relating to farmers' markets.

Was taken up.

Senator Chappelle-Nadal moved that **HCS** for **SB 727**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Kraus	Nieves—2
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Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Chappelle-Nadal, **HCS** for **SB 727**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lamping	LeVota	Libla	Munzlinger	Nasheed
Pearce	Richard	Romine	Sater	Schaefer	Schmitt	Sifton	Silvey
Wallingford	Walsh	Wasson—27					

NAYS—Senators

Kraus Lager Nieves Schaaf—4

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Chappelle-Nadal, title to the bill was agreed to.

Senator Chappelle-Nadal moved that the vote by which the bill passed be reconsidered.

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

Bill ordered enrolled.

Senator Romine moved that **SCS** for **SB 642**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Romine moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Kraus Schaaf—2

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Romine, **SCS** for **SB 642**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators

Kraus Schaaf—2

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Kraus moved that **SB 655**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 655**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 655

An Act to repeal sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 516.350, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, RSMo, and to enact in lieu thereof eighteen new sections relating to property.

Was taken up.

Senator Kraus moved that **HCS** for **SB 655**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senator Justus—1

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Kraus, **HCS** for **SB 655**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Wasson moved that **SCS** for **SB 809**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 809**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 809

An Act to repeal sections 327.011, 327.031, 327.041, 327.051, 327.076, 327.081, 327.091, 327.101, 327.106, 327.131, 327.141, 327.151, 327.161, 327.171, 327.172, 327.181, 327.191, 327.221, 327.231, 327.241, 327.251, 327.261, 327.271, 327.272, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.381, 327.391, 327.392, 327.401, 327.411, 327.442, 327.451, 327.461, 327.600, 327.603, 327.607, 327.612, 327.615, 327.617, 327.619, 327.621, 327.622, 327.623, 327.629, 327.630, 327.631, and 327.635, RSMo, and to enact in lieu thereof fifty new sections relating to licensure by the board for architects, professional engineers, professional land surveyors and professional landscape architects, with an existing penalty provision.

Was taken up.

Senator Wasson moved that **HCS** for **SCS** for **SB 809** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Wasson, **HCS** for **SCS** for **SB 809** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senator Justus—1

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Pearce assumed the Chair.

Senator Dixon moved that **SB 844**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Dixon moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Dixon, **SB 844**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

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

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

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

Bill ordered enrolled.

Senator Chappelle-Nadal moved that **SCS** for **SB 567**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 567, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 567

An Act to repeal sections 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, and 660.420, RSMo, and to enact in lieu thereof sixteen new sections relating to adult day care, with penalty provisions.

Was taken up.

Senator Chappelle-Nadal moved that **HCS for SCS for SB 567**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Chappelle-Nadal, **HCS for SCS for SB 567**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Chappelle-Nadal, title to the bill was agreed to.

Senator Chappelle-Nadal moved that the vote by which the bill passed be reconsidered.

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

Bill ordered enrolled.

Senator Dempsey, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1504** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1504

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1504, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1504, as amended;
2. That the House recede from its position on House Bill No. 1504;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1504, be Third Read and Finally Passed.

FOR THE HOUSE:

- /s/ Caleb Rowden
- /s/ Kathie Conway
- /s/ Michele Kratky

FOR THE SENATE:

- /s/ Tom Dempsey
- /s/ Eric Schmitt
- /s/ Gary Romine
- /s/ Jolie Justus
- /s/ Joseph P. Keaveny

Senator Dempsey 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	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator LeVota—1

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Dempsey, **CCS** for **SS** for **SCS** for **HB 1504**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1504

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Lager moved that the Senate recede from its position on **SS** for **SCS** for **HCS** for **HB 1302**, which motion prevailed.

On motion of Senator Lager, **HCS** for **HB 1302**, entitled:

An Act to repeal section 643.055, RSMo, and to enact in lieu thereof one new section relating to the regulation of residential wood burning appliances.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Schmitt moved that **SS** for **SB 869**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 869**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 869

An Act to repeal sections 21.771, 37.710, 210.027, 210.145, 210.152, 210.160, 210.183, 334.950, 453.073, and 453.074, RSMo, and to enact in lieu thereof ten new sections relating to children, with an existing penalty provision.

Was taken up.

Senator Schmitt moved that **HCS** for **SS** for **SB 869**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Schmitt, **HCS** for **SS** for **SB 869**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf

Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Chappelle-Nadal moved that **SB 794**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 794**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 794

An Act to repeal sections 362.333, 375.020, and 382.020, RSMo, and to enact in lieu thereof three new sections relating to insurance regulation.

Was taken up.

Senator Chappelle-Nadal moved that **HCS** for **SB 794** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Justus—1

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Chappelle-Nadal, **HCS** for **SB 794** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Holsman	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Pearce	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators—None

Absent—Senators

Dempsey	Justus	Richard—3
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Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Chappelle-Nadal, title to the bill was agreed to.

Senator Chappelle-Nadal moved that the vote by which the bill passed be reconsidered.

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

Bill ordered enrolled.

Senator Schaaf, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HB 1685** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1685

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 1685, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 1685;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1685;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for House Committee Substitute for House Bill No. 1685, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Jim Neely
/s/ Todd Richardson
/s/ Gina Mitten

FOR THE SENATE:

/s/ Rob Schaaf
/s/ Jay Wasson
/s/ David Sater
/s/ Paul LeVota
/s/ Jason Holsman

Senator Schaaf moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery	Holsman	Keaveny	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Pearce
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators—None

Absent—Senators

Curls	Dempsey	Justus	Nieves	Richard—5
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Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Schaaf, **CCS No. 2** for **SS** for **HCS** for **HB 1685**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1685

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the use of investigational drugs, with a penalty provision.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery	Holsman	Keaveny	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Pearce
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators—None

Absent—Senators

Curls	Dempsey	Justus	Nieves	Richard—5
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Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Kehoe announced photographers from the St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber.

Senator Dixon, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1231**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1231

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1231, with Senate Amendment Nos. 1, 2, 3, 4, 5, 6, and 7 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1231, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1231;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1231, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Stanley Cox
/s/ R. Cornejo
/s/ Mike Colona

FOR THE SENATE:

/s/ Bob Dixon
/s/ Kurt Schaefer
/s/ Eric Schmitt
/s/ Jolie Justus
/s/ Joseph P. Keaveny

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery	Holsman	Keaveny	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Pearce
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators—None

Absent—Senators

Curls	Dempsey	Justus	Nieves	Richard—5
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Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Dixon, **CCS** for **SS** for **SCS** for **HCS** for **HB 1231**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1231

An Act to repeal sections 56.807, 105.711, 302.065, 334.950, 408.040, 452.556, 454.500, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, and to enact in lieu thereof forty-two new sections relating to the administration of justice, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery	Holsman	Keaveny	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Pearce
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators—None

Absent—Senators

Curls	Dempsey	Justus	Nieves	Richard—5
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Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery	Holsman	Keaveny	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed	Pearce
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators—None

Absent—Senators

Curls	Dempsey	Justus	Nieves	Richard—5
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Absent with leave—Senator Parson—1

Vacancies—2

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

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

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

Senator Schmitt, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1831**, 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. 1831

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1831, with Senate Amendment 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. 1831, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1831;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1831, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick
/s/ Mike Bernskoetter
Jill Schupp

FOR THE SENATE:

/s/ Eric Schmitt
/s/ Rob Schaaf
David Pearce
/s/ Jolie Justus
Joseph Keaveny

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery	Holsman	Keaveny	Kehoe
Lager	Lamping	LeVota	Libla	Munzlinger	Nieves	Pearce	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—25

NAYS—Senators—None

Absent—Senators

Curls	Dempsey	Justus	Kraus	Nasheed	Richard—6
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Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Schmitt, **CCS** for **SCS** for **HCS** for **HB 1831**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1831

An Act to repeal sections 210.027 and 210.211, RSMo, and to enact in lieu thereof two new sections relating to child care facilities, with a contingent effective date for a certain section.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery	Holsman	Keaveny	Kehoe
Kraus	Lager	LeVota	Libla	Munzlinger	Nasheed	Nieves	Pearce
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators—None

Absent—Senators

Curls	Dempsey	Justus	Lamping	Richard—5
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Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

Senator Schmitt 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 **SS** for **SCS** for **HCS** for **HBs 1665** and **1335** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1665 and 1335

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1665 and 1335, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1665 and 1335;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1665 and 1335;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1665 and 1335, be Third Read and Finally Passed.

FOR THE HOUSE:

- /s/ Caleb Jones
- /s/ Kevin Elmer
- /s/ Stephen Webber

FOR THE SENATE:

- /s/ Brad Lager
- Kurt Schaefer
- /s/ Bob Dixon
- /s/ Joseph P. Keaveny
- /s/ Jolie Justus

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	Holsman	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Pearce	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators—None

Absent—Senators

Curls	Justus	Richard—3
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Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Schaefer, **CCS** for **SS** for **SCS** for **HCS** for **HBs 1665** and **1335**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1665 & 1335

An Act to repeal sections 57.015, 57.201, 57.220, 57.250, 483.140, 544.216, 610.120, and 610.122, RSMo, and to enact in lieu thereof ten new sections relating to the administration of justice, with penalty provisions.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Romine	Sater	Schaaf	Schaefer	Schmitt

Sifton Silvey Wallingford Walsh Wasson—29

NAYS—Senators—None

Absent—Senators

Curls Richard—2

Absent with leave—Senator Parson—1

Vacancies—2

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 Wallingford moved that **SS** for **SB 884**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 884**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 884

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance for dental services.

Was taken up.

Senator Wallingford moved that **HCS** for **SS** for **SB 884**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lamping	LeVota	Libla	Munzlinger	Nasheed	Nieves
Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators—None

Absent—Senators

Curls Kraus Lager—3

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Wallingford, **HCS** for **SS** for **SB 884**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senator Curls—1

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed be the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 575**, entitled:

An Act to repeal sections 8.597, 21.440, 21.445, 21.450, 21.455, 21.460, 21.465, 21.530, 21.535, 21.537, 21.795, 21.800, 21.801, 21.820, 21.835, 21.850, 21.910, 21.920, 30.953, 30.954, 30.956, 30.959, 30.962, 30.965, 30.968, 30.971, 33.150, 33.850, 37.250, 135.210, 135.230, 167.042, 167.195, 191.115, 191.934, 197.291, 208.952, 208.955, 210.153, 215.261, 215.262, 217.025, 217.550, 217.567, 262.950, 301.129, 313.001, 320.092, 338.321, 348.439, 361.120, 383.250, 386.145, 476.681, 620.050, 620.602, 620.1300, 630.010, 630.461, and 650.120, RSMo, section 105.955 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 208.275 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 555 merged with senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session, section 208.275 as enacted by senate committee substitute for house committee substitute for house bill no. 464, ninetysixth general assembly, first regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and to enact in lieu thereof twenty new sections relating to the existence of certain committees.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 575, Pages 16-18, Section 210.153, Lines 1-64, by deleting all of said section from the bill and inserting in lieu thereof the following:

“210.153. 1. There is hereby created in the department of social services the “Child Abuse and Neglect Review Board”, which shall provide an independent review of child abuse and neglect determinations in instances in which the alleged perpetrator is aggrieved by the decision of the children’s division. The division may establish more than one board to assure timely review of the determination. **In providing an independent review, the boards and their members shall objectively decide whether a preponderance of the evidence establishes that the individual is responsible for child abuse or neglect, and shall make decisions based only on the facts presented to the board. The boards shall be independent of any control or interference by the division in their deliberations. The boards shall act independently of the division so as to assure that due process of the law is afforded to all parties involved in the proceedings. This section shall not be construed to prohibit the department of social services or the children’s division from providing any training or administrative support to the boards.**

2. [The] **Each** board shall consist of nine members, who shall be appointed by the governor with the advice and consent of the senate[, and shall include:

(1) A physician, nurse or other medical professional;

(2) A licensed child or family psychologist, counselor or social worker;

(3) An attorney who has acted as a guardian ad litem or other attorney who has represented a subject of a child abuse and neglect report;

(4) A representative from law enforcement or a juvenile office.

3. Other members of the board may be selected from:

(1) A person from another profession or field who has an interest in child abuse or neglect;

(2) A college or university professor or elementary or secondary teacher;

(3) A child advocate;

(4) A parent, foster parent or grandparent]. **Each board member shall be a resident of the state of Missouri. The term of office of each board member shall be three years. At the time of their appointment, no more than five members of any board shall be of the same political party as the governor. This requirement shall be effective for all nominations made after August 28, 2014.**

[4.] **3.** The following persons may participate [in a child abuse and neglect review board review] **in review proceedings before the board:**

(1) Appropriate children’s division staff and legal counsel for the department;

(2) The alleged perpetrator, who may be represented pro se or be represented by legal counsel. The alleged perpetrator’s presence is not required for the review to be conducted. The alleged perpetrator may submit a written statement for the board’s consideration in lieu of personal appearance; and

(3) Witnesses providing information on behalf of the child, the alleged perpetrator or the department. [Witnesses] **Such persons** shall only be allowed to attend that portion of the review in which they are presenting information.

4. The members of the board shall serve without compensation, but shall receive reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties.

[6.] **5.** All records and information compiled, obtained, prepared or maintained by the child abuse and

neglect review board in the course of any review shall be confidential information.

[7.] **6.** The department shall promulgate rules and regulations governing the operation of the child abuse and neglect review board except as otherwise provided for in this section. These rules and regulations shall, at a minimum, [describe the length of terms,] **describe** the selection of the chairperson, confidentiality, notification of parties and time frames for the completion of the review.

[8.] **7.** Findings [of probable cause to suspect prior to August 28, 2004, or findings] by a preponderance of the evidence [after August 28, 2004,] of child abuse and neglect by the division which are substantiated by court adjudication shall not be heard by the child abuse and neglect review board.

8. No current employee of the department of social services shall serve on the board.”; and

Further amend said bill, Page 22, Section 361.120, Line 13, by inserting after all of said line the following:

“376.1190. Any health care benefit mandate proposed after August 28, 2011, shall be subject to review by the oversight division of the joint committee on legislative research. The oversight division shall perform an actuarial analysis of the cost impact to private and public payers of any new or revised mandated health care benefit [proposed] **enacted** by the general assembly after August 28, 2011, and a recommendation shall be delivered to the speaker and the president pro tem prior to **July first of the year immediately following the year in which the** mandate [being] **is enacted.**”; and

Further amend said bill, Page 26, Section 650.120, Lines 18-19, by deleting all of said lines and inserting in lieu thereof the following:

“grant program. The grants shall be awarded and used to pay the salaries of detectives and computer forensic personnel whose focus is”; and

Further amend said bill, page and section, Line 36, by deleting all of said line and inserting in lieu thereof the following:

“of the house of representatives; and”; and

Further amend said bill, page and section, Lines 37-39, by deleting all of said lines and inserting in lieu thereof the following:

“(6) One member of the senate [who shall be] appointed by the president pro tem.”; 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 **HCS** for **SS** for **SCS** for **SB 707**, entitled:

An Act to repeal sections 301.010, 301.067, 301.227, 301.700, 304.015, 304.154, 304.190, and 578.120, RSMo, and to enact in lieu thereof eight new sections relating to motor vehicles, with an existing penalty provision.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate

Bill No. 707, Page 11, Section 301.227, Line 68, by removing the opening bracket on said line; and

Further amend said section, Page 12, Line 98, by removing the closing bracket on said line; and

Further amend said bill, Pages 16-17, Section 304.190, Lines 1-68, by removing all of said section and lines; 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 Kehoe, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 1707** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE BILL NO. 1707

The Conference Committee appointed on Senate Substitute for House Bill No. 1707, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 1707, as amended;
2. That the House recede from its position on House Bill No. 1707;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 1707, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Kathie Conway

/s/ Don Phillips

/s/ Rochelle Walton Gray

FOR THE SENATE:

/s/ Mike Kehoe

/s/ Brad Lager

/s/ Brian Munzlinger

Scott Sifton

/s/ Jason Holsman

Senator Kehoe 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	Holsman	Justus
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Pearce	Richard	Romine	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators—None

Absent—Senators

Curls	Keaveny	Sater—3
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Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Kehoe, **CCS** for **SS** for **HB 1707**, as amended by **HA 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1707

An Act to repeal sections 174.709, 174.712, 178.862, 300.320, 304.154, 610.120, and 610.122, RSMo, and to enact in lieu thereof seven new sections relating to the operation of motor vehicles.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Pearce	Richard	Romine	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators—None

Absent—Senators

Curls Sater—2

Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Nieves assumed the Chair.

Senator Dixon moved that **SS** for **SB 575**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 575**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 575

An Act to repeal sections 8.597, 21.440, 21.445, 21.450, 21.455, 21.460, 21.465, 21.530, 21.535, 21.537, 21.795, 21.800, 21.801, 21.820, 21.835, 21.850, 21.910, 21.920, 30.953, 30.954, 30.956, 30.959, 30.962, 30.965, 30.968, 30.971, 33.150, 33.850, 37.250, 135.210, 135.230, 167.042, 167.195, 191.115, 191.934, 197.291, 208.952, 208.955, 210.153, 215.261, 215.262, 217.025, 217.550, 217.567, 262.950, 301.129, 313.001, 320.092, 338.321, 348.439, 361.120, 383.250, 386.145, 476.681, 620.050, 620.602, 620.1300, 630.010, 630.461, and 650.120, RSMo, section 105.955 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session, section 208.275 as enacted by senate substitute for senate committee

substitute for house committee substitute for house bill no. 555 merged with senate substitute no. 2 for house bill no. 648, ninety-sixth general assembly, first regular session, section 208.275 as enacted by senate committee substitute for house committee substitute for house bill no. 464, ninety-sixth general assembly, first regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and to enact in lieu thereof twenty new sections relating to the existence of certain committees.

Was taken up.

Senator Dixon moved that **HCS** for **SS** for **SB 575**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus	Kehoe
Kraus	Lager	Lamping	Libla	Munzlinger	Nasheed	Nieves	Pearce
Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford

Wasson—25

NAYS—Senators

Chappelle-Nadal	Keaveny	LeVota	Sifton	Walsh—5
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Absent—Senator Curls—1

Absent with leave—Senator Parson—1

Vacancies—2

On motion of Senator Dixon, **HCS** for **SS** for **SB 575**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus	Kehoe
Kraus	Lager	Lamping	Libla	Munzlinger	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Silvey	Wallingford	Wasson—23	

NAYS—Senators

Chappelle-Nadal	Keaveny	LeVota	Sifton	Walsh—5
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Absent—Senators

Curls	Nasheed	Nieves—3
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Absent with leave—Senator Parson—1

Vacancies—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1553**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1553

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1553, with Senate Amendment Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1553, as amended;
2. That the House recede from its position on House Bill No. 1553;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1553, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Dean Dohrman
/s/ Sue Allen
Mike Colona

FOR THE SENATE:

/s/ David Pearce
/s/ Bob Dixon
/s/ Kurt Schaefer
/s/ Joseph P. Keaveny
/s/ Jamilah Nasheed

Senator Pearce 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	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senator Kraus—1

Absent—Senator Curls—1

Absent with leave—Senator Parson—1

Vacancies—2

President Pro Tem Dempsey assumed the Chair.

On motion of Senator Pearce, **CCS** for **SCS** for **HB 1553**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1553

An Act to repeal sections 50.660, 50.783, 67.281, 72.401, 82.300, 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, 94.579, 99.805, 99.825, 162.481, 182.802, 349.045, and 483.140, RSMo, and to enact in lieu thereof nineteen new sections relating to political subdivisions.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senator Kraus—1

Absent—Senator Curls—1

Absent with leave—Senator Parson—1

Vacancies—2

The President Pro Tem 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.

HOUSE BILLS ON THIRD READING

At the request of Senator Silvey, **HCS** for **HBs 1646** and **1515**, with **SCS**, was placed on the Informal Calendar.

HB 1591, with **SCA 1**, was placed on the Informal Calendar.

HCS for **HB 1739**, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to electronic signatures.

Was taken up by Senator Pearce.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1739, Page 1, In the Title, Lines 2-3 of the title, by striking “electronic signatures” and inserting in lieu thereof the following: “elections”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting immediately after said 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, **or a person in federal service, as defined in section 115.275, or a covered voter, as defined in section 115.902. Except as provided in subsection 4 of this section,** 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.

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.

4. A person in federal service as defined in section 115.275, or covered voter as defined in section 115.902, who has been discharged from military service, has returned from a military deployment or activation, or has separated from employment outside the territorial limits of the United States after the deadline to register to vote, and who is otherwise qualified to register to vote, may register to vote in an election in person before the election authority until 5:00 p.m. on the Friday before such election. Such persons shall produce sufficient documentation showing evidence of qualifying for late registration pursuant to this section.”; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted.

At the request of Senator Pearce, **HCS for HB 1739**, with **SA 1** (pending), was placed on the Informal Calendar.

HCS for HB 1189, with **SCA 1**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to graduation requirements.

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

SCA 1 was taken up.

Senator Kehoe moved that the above committee amendment be adopted, which motion failed.

On motion of Senator Kehoe, **HCS for HB 1189** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown Chappelle-Nadal Cunningham Dempsey Dixon Emery Holsman Justus

Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nieves	Pearce	Richard	Romine	Sater	Schaaf	Schaefer	Schmitt
Sifton	Silvey	Wallingford	Walsh	Wasson—29			

NAYS—Senators—None

Absent—Senators

Curls Nasheed—2

Absent with leave—Senator Parson—1

Vacancies—2

The President Pro Tem declared the bill passed.

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

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

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

HJR 72, introduced by Representative Richardson, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing sections 24 and 27 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the governor's budgetary authority.

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

On motion of Senator Silvey, **HJR 72** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nasheed	Nieves	Pearce	Richard
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Wasson—25							

NAYS—Senators

Justus Keaveny LeVota Walsh—4

Absent—Senators

Curls Holsman—2

Absent with leave—Senator Parson—1

Vacancies—2

The President Pro Tem declared the joint resolution passed.

On motion of Senator Silvey, title to the joint resolution was agreed to.

Senator Silvey moved that the vote by which the joint resolution 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 passed **SCS** for **SBs 638** and **647**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill Nos. 638 & 647, Page 1, In the Title, Line 3, by deleting the words “certain benevolent”; and

Further amend said bill, Page 10, Section 135.647, Line 69, by inserting immediately after said line the following:

“135.700. **1.** For all tax years beginning on or after January 1, 1999, a grape grower or wine producer shall be allowed a tax credit against the state tax liability incurred pursuant to chapter 143, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, in an amount equal to twenty-five percent of the purchase price of all new **and used** equipment and materials used directly in the growing of grapes or the production of wine in the state. Each grower or producer shall apply to the department of economic development and specify the total amount of such new equipment and materials purchased during the calendar year. The department of economic development shall certify to the department of revenue the amount of such tax credit to which a grape grower or wine producer is entitled pursuant to this section. The provisions of this section notwithstanding, a grower or producer may only apply for and receive the credit authorized by this section for five tax periods.

2. For the taxable years beginning on or after August 28, 2014, the total amount of tax credits allowed under subsection 1 of this section shall not exceed two hundred thousand dollars annually.

3. For all tax years beginning on or after January 1, 2015, a distillery shall be allowed a tax credit against the state tax liability incurred under chapter 143, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, in an amount equal to twenty-five percent of the purchase price of all new and used equipment and materials used directly in the distilling of spirits in the state, subject to the limitations provided in this section. Each distiller shall apply to the department of economic development and specify the total amount of such new and used equipment and materials purchased during the calendar year. The department of economic development shall certify to the department of revenue the amount of such tax credit to which a distillery is entitled under this section. The provisions of this section notwithstanding, a distiller may apply for and receive the credit authorized by this section for no more than five consecutive tax periods with a total maximum of ten tax periods.

4. For the tax years beginning on or after January 1, 2015, the total amount of tax credits authorized under subsection 3 shall not exceed two hundred thousand dollars per taxable year and shall be subject to appropriations. The amount of tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of twenty-five thousand dollars per taxable year.”;
and

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

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill Nos. 638 & 647, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce processed wood products in a qualified wood-producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall be authorized after June 30, [2013] **2020. In no event shall the aggregate amount of all tax credits allowed under sections 135.300 to 135.311 exceed six million dollars in any given fiscal year and is subject to appropriations.**”; 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 refuses to adopt **SCS** for **HB 1468**, and request the Senate recede from its position and take up and pass **HB 1468**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 717**.

With Part 1 of House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 717, Page 1, In the Title, Line 3, by deleting the words, “legally qualified federal pharmacists” and inserting in lieu thereof the words, “public health”; and

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

“210.1014. 1. There is hereby created the “Amber Alert System Oversight Committee”, whose primary duty shall be to develop criteria and procedures for the Amber alert system and shall be housed within the department of public safety. The committee shall regularly review the function of the Amber alert system and revise its criteria and procedures in cooperation with the department of public safety to provide for efficient and effective public notification **and meet at least annually to discuss potential improvements to the Amber alert system.** As soon as practicable, the committee shall adopt criteria and procedures to expand the Amber alert system to provide urgent public alerts related to homeland security, criminal acts, health emergencies, and other imminent dangers to the public health and welfare.

2. The Amber alert system oversight committee shall consist of ten members of which seven members shall be appointed by the governor with the advice and consent of the senate. Such members shall represent **any** of the following entities: [two representatives of] the Missouri Sheriffs’ Association; [two

representatives of] the Missouri Police Chiefs Association; [one representative of] small market radio broadcasters; [one representative of] large market radio broadcasters; [one representative of] television broadcasters; **the outdoor advertising industry; the public at large; the Missouri Network of Child Advocacy Centers; or the Missouri Broadcasters Association.** The director of the department of public safety shall also be a member of the committee and shall serve as chair of the committee. Additional members shall include one representative of the highway patrol and one representative of the department of health and senior services. **No more than one representative shall be appointed from each of the following entities: the outdoor advertising industry, the public at large, the Missouri Network of Child Advocacy Centers, and the Missouri Broadcasters Association.**

3. Members of the oversight committee shall serve a term of four years, except that members first appointed to the committee shall have staggered terms of two, three, and four years and shall serve until their successor is duly appointed and qualified.

4. Members of the oversight committee shall serve without compensation, except that members shall be reimbursed for their actual and necessary expenses required for the discharge of their duties.

5. The Amber alert system oversight committee shall promulgate rules for the implementation of the Amber alert system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

210.1016. 1. This section shall be known and may be cited as “Hailey’s Law”.

2. The Amber alert system shall be integrated into the Missouri uniform law enforcement system (MULES) to expedite the reporting of child abductions.”; and

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

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 696**, entitled:

An Act to repeal sections 302.535, 304.351, and 578.120, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 696, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the motor carrier and railroad safety division of the department of

economic development. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load.

2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

3. Any trailer as defined in section 301.010 or semitrailer [which is operated coupled to a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly] may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442.

301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate.

2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser may forward to the director of revenue the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate [to the purchaser of the vehicle] **which shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk.** The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such certificate may be granted within thirty days of the submission of a request.

3. [Upon receipt of a properly completed application for a junking certificate, the director of revenue shall issue to the applicant a junking certificate which shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap or junk, and a certificate of title shall not again be issued for such vehicle; except that, the initial purchaser] **Notwithstanding any other provision of law, for any vehicle with a junk or substantially equivalent designation, whether so designated in Missouri or any other state, regardless of whether such designation has been subsequently changed erroneously or by law in this or any other state, the department shall only issue a junking certificate, and a salvage or original certificate of title shall not thereafter be issued for such vehicle. If the vehicle has not previously been designated as junk or any other substantially equivalent designation from this state or any other state, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind [his] the application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in [his] the applicant's name.** The seller of a vehicle

for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of title or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221.

5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts.

6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225.

7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572 may negotiate one reassignment of a salvage certificate of title on the back thereof.

8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to subdivision (51) of section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records.

9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of title, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of titles for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any

certificate of title and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term “inoperable” means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle’s highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.”; 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.

HOUSE BILLS ON THIRD READING

HB 1591, introduced by Representatives Brown and Higdon, with **SCA 1**, entitled:

An Act to repeal sections 563.031 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to public safety, with a penalty provision.

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

SCA 1 was taken up.

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

On motion of Senator Nieves, **HB 1591**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Holsman	Keaveny	Kehoe
Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nieves	Pearce
Richard	Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey
Wallingford	Wasson—26						

NAYS—Senators

Chappelle-Nadal	Justus	Nasheed	Walsh—4
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Absent—Senator Curls—1

Absent with leave—Senator Parson—1

Vacancies—2

The President Pro Tem declared the bill passed.

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

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

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

HCS for HB 1261, entitled:

An Act to repeal sections 105.145, 238.222, and 238.272, RSMo, and to enact in lieu thereof three new sections relating to transportation development districts.

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

On motion of Senator Kraus, **HCS for HB 1261** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Justus	Kehoe	Kraus
Lager	Lamping	LeVota	Libla	Munzlinger	Nieves	Pearce	Richard
Romine	Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford
Walsh	Wasson—26						

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal	Curls	Holsman	Keaveny	Nasheed—5
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Absent with leave—Senator Parson—1

Vacancies—2

The President Pro Tem declared the bill passed.

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

Senator Kraus 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 message was 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 **CCR No. 2** on **SS** for **SCS** for **HCS** for **HB 1439**, as amended, and has taken up and passed **CCS No. 2** for **SS** for **SCS** for **HCS** for **HB 1439**.

PRIVILEGED MOTIONS

Senator Nieves, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1439**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1439

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House

Committee Substitute for House Bill No. 1439, with Senate Amendment Nos. 1 and 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 Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1439, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1439;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1439, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Doug Funderburk

/s/ Ron Hicks

/s/ Michael Frame

FOR THE SENATE:

/s/ Brian Nieves

/s/ Brian Munzlinger

/s/ Bob Dixon

Jolie Justus

Jason Holsman

Senator Nieves moved that the above conference committee report no. 2 be 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 taken up and passed **SCS** for **HCS** for **HB 2141**.

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 **SCS** for **HCS** for **HB 1371**.

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 **SCS** for **HB 1865**.

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 **HCS** for **HB 1689**.

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 **HB 1692**.

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 **HCS** for **HB 1296**.

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 **HCS** for **HB 1614**.

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 **SCS** for **HCS** for **HB 1867**.

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 **HCS** for **HB 1225**.

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 **HCS** for **HB 1304**.

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 **SJR 27**.

Joint resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the **CCR** on **HCS** for **SB 662**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 662**.

Emergency clause adopted.

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 adopted the **CCR No. 2** on **HCS** for **SCS** for **SB 672**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 672**.

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 adopted the **CCR No. 2** on **HCS** for **SCS** for **SB 716**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 716**.

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 adopted the **CCR** on **SCS** for **SB 612**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 612**.

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 adopted the **CCR** on **HCS** for **SCS** for **SB 492**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 492**.

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 adopted the **CCR** on **HCS** for **SB 656**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 656**.

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 adopted the **CCR** on **HCS** for **SB 615**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 615**.

Emergency clause adopted.

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 adopted **SCR 31**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 32**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 43**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up **HCS** for **SCS** for **SB 723**, as amended, and the House has receded from its position on **HCS** as amended, and has taken up and passed **SCS** for **SB 723**.

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 adopted the **CCR** on **HCS** for **SCS** for **SB 664**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 664**.

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 adopted the **CCR** on **HCS** for **SS** for **SB 860**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 860**.

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 adopted the **CCR** on **SCS** for **SB 729**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 729**.

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 adopted the **CCR** on **HCS** for **SCS** for **SB 896** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 896**, as amended by **SA 1**.

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 **SB 842**.

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 adopted **SS** for **SCR 22**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 17**.

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 829**.

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 adopted the **CCR No. 2** on **HCS** for **SB 621**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SB 621**.

Emergency clause adopted.

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 **SB 773**.

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 **SB 527**.

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 adopted the **CCR** on **HCS** for **SCS** for **SB 852**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 852**.

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 adopted the **CCR No. 2** on **HCS** for **SB 693**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SB 693**.

Emergency clause adopted.

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 adopted the **CCR** on **HCS** for **SS No. 2** for **SB 754**, as amended, and has taken up and passed **CCS** for **HCS** for **SS No. 2** for **SB 754**.

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 **SS** for **SCS** for **HCS** for **HB 1326**.

Emergency clause defeated.

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 **SCS** for **SB 767**.

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 **SB 818**.

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 **SB 601**.

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 adopted the **CCR** on **HCS** for **SB 584**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 584**.

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 adopted **SCR 34**.

COMMUNICATIONS

Senator Schaaf submitted the following:

May 16, 2014

The Honorable Tom Dempsey
President Pro Tem
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Dempsey:

Effective immediately, I resign from the Missouri Consolidated Health Care Plan Board of Trustees.

Sincerely,
/s/ Rob Schaaf
Rob Schaaf
State Senator
District 34

RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 3005, regarding Susan Kohl, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3006, regarding Corrections Officer I Richard Hartwig, Hannibal, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3007, regarding Corrections Officer I Mark Fronick, Bowling Green, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3008, regarding Corrections Officer I Jeffrey Householder, Hannibal, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3009, regarding Corrections Officer I Robert Gregory, Hannibal, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3010, regarding Corrections Officer II Jeffrey Bradley, New London, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3011, regarding Corrections Officer III Robert Bliss, Frankford, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3012, regarding Corrections Officer I Steven Burgett, Bowling Green, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3013, regarding Corrections Officer II Terry Ince, Frankford, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3014, regarding Corrections Officer II Dan Wiley, Clarksville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3015, regarding Corrections Officer I Justin Garner, Louisiana, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3016, regarding Corrections Officer I Travis Golden, Hannibal, which was adopted.

Senator Munzlinger offered Senate Resolution No. 3017, regarding Corrections Officer I Gina K. Schilling, Bowling Green, which was adopted.

Senators LeVota and Silvey offered Senate Resolution No. 3018, regarding Kari Lund, which was adopted.

Senator Romine offered Senate Resolution No. 3019, regarding Mary Wiltberger, which was adopted.

Senator Romine offered Senate Resolution No. 3020, regarding Roger Price, which was adopted.

Senator Romine offered Senate Resolution No. 3021, regarding Mari Husman, Viburnum, which was adopted.

Senator Romine offered Senate Resolution No. 3022, regarding Teresa Volner, Lesterville, which was adopted.

Senator Romine offered Senate Resolution No. 3023, regarding Karen Mills, Lesterville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, the Physician of the Day, Jerry Kennett, M.D., Columbia.

On motion of Senator Lager, the Senate adjourned until 9:00 a.m., Friday, May 30, 2014.

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