

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY—WEDNESDAY, MAY 7, 2014

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For the Lord gives his people justice and shows compassion to his servants.” (Psalm 135:14)

Wondrous God, we started the day in prayer with colleagues and fellow servants of this state. We are thankful for those who have served in this Senate and appreciate the opportunity to build on their legacy. Grant Your blessing on all of us so that we may know and be the wise and compassionate people You have called each of us to be. 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 and The Missouri Times 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Romine offered Senate Resolution No. 2030, regarding Colleen V. Weiler, Ste. Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 2031, regarding Sharon R. Brooks, Ste. Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 2032, regarding Kay “Colleen” Looney, Desloge, which was adopted.

Senator Romine offered Senate Resolution No. 2033, regarding Shane Verges, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 2034, regarding Sharon Weston, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 2035, regarding Donna Bess, Farmington, which was adopted.

PRIVILEGED MOTIONS

Senator Schaefer moved that **SCS** for **SJR 36**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

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

YEAS—Senators

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

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Justus	Keaveny	LeVota	Nasheed	Sifton
Walsh—9							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Schaefer, **SCS** for **SJR 36**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Chappelle-Nadal Curls Holsman Justus Keaveny LeVota Sifton Walsh—8

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—2

The President declared the joint resolution passed.

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

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

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

Joint resolution ordered enrolled.

Senator Dixon moved that the Senate refuse to concur in **HCS** for **SB 614**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Parson, **HCS** for **HB 1412** was placed on the Informal Calendar.

At the request of Senator Silvey, **HCS** for **HB 1303** was placed on the Informal Calendar.

HB 1504, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schmitt, **HB 2028** was placed on the Informal Calendar.

At the request of Senator Kraus, **HB 1136**, with **SCS**, was placed on the Informal Calendar.

HB 1411, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kraus, **HB 1372** was placed on the Informal Calendar.

At the request of Senator Schaefer, **HB 1388**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schaaf, **HCS** for **HB 1685** was placed on the Informal Calendar.

At the request of Senator Cunningham, **HCS** for **HB 1999** was placed on the Informal Calendar.

At the request of Senator Kehoe, **HB 1866**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Keaveny, **HCS** for **HB 1882** was placed on the Informal Calendar.

At the request of Senator Lamping, **HCS** for **HB 1044**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Pearce, **HCS** for **HB 1156** was placed on the Informal Calendar.

At the request of Senator Lager, **HCS** for **HB 1918** was placed on the Informal Calendar.

At the request of Senator Lager, **HCS** for **HB 1302**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Romine, **HCS** for **HB 1085** was placed on the Informal Calendar.

At the request of Senator Lager, **HCS** for **HB 1204**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1937**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **HCS** for **HB 1192**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schaefer, **HCS** for **HB 1410**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Richard, **HB 1594**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Pearce, **HB 1468**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1124**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kraus, **HCS** for **HB 1261** was placed on the Informal Calendar.

HCS for **HB 1918**, entitled:

An Act to repeal section 442.571, RSMo, and to enact in lieu thereof one new section relating to foreign ownership of agricultural land, with an emergency clause.

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

President Pro Tem Dempsey assumed the Chair.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1918, Page 1, Section 442.571, Line 4, by striking the word “one” and inserting in lieu thereof the following: “**one-half**”; and

Further amend said bill and section, Page 2, Line 19, by striking the word “one” and inserting in lieu thereof the following: “**one-half**”; and further amend line 28, by striking “2013” and inserting in lieu thereof the following: “**2014**”.

Senator Wallingford moved that the above amendment be adopted.

At the request of Senator Lager, **HCS** for **HB 1918**, with **SA 1** (pending), was placed on the Informal Calendar.

HCS for **HB 1124**, with **SCS**, entitled:

An Act to repeal sections 301.010 and 301.700, RSMo, and to enact in lieu thereof three new sections relating to motor vehicles.

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

SCS for **HCS** for **HB 1124**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1124

An Act to repeal sections 301.010 and 301.700, RSMo, and to enact in lieu thereof two new sections relating to off-highway motorized vehicles.

Was taken up.

Senator Wasson moved that **SCS** for **HCS** for **HB 1124** be adopted.

Senator Wasson offered **SS** for **SCS** for **HCS** for **HB 1124**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1124

An Act to repeal sections 301.010, 301.227, 301.700, 302.020, 407.815, 407.826, and 578.120, RSMo, and to enact in lieu thereof eight new sections relating to motor vehicles, with existing penalty provisions.

Senator Wasson moved that **SS** for **SCS** for **HCS** for **HB 1124** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **SCS** for **HCS** for **HB 1124** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Brown	Nieves	Romine—3
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Absent—Senator Parson—1

Absent with leave—Senators—None

Vacancies—2

The President Pro Tem 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.

HB 1136, introduced by Representative Dugger, et al, with **SCS**, entitled:

An Act to repeal sections 115.013, 115.104, 115.121, 115.221, 115.231, 115.237, 115.251, 115.253,

115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.301, 115.305, 115.342, 115.346, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.495, and 115.503, RSMo, and to enact in lieu thereof twenty-six new sections relating to elections.

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

SCS for **HB 1136**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1136

An Act to repeal sections 115.013, 115.104, 115.121, 115.221, 115.231, 115.237, 115.251, 115.253, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.301, 115.305, 115.342, 115.346, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.495, and 115.503, RSMo, and to enact in lieu thereof twenty-six new sections relating to elections.

Was taken up.

Senator Kraus moved that **SCS** for **HB 1136** be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS** for **HB 1136** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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.

HB 2028, introduced by Representative Peters, et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of epilepsy awareness month.

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

At the request of Senator Schmitt, **HB 2028** was placed on the Informal Calendar.

HCS for **HB 1389**, entitled:

An Act to repeal sections 173.030 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to state authorization of reciprocity agreements for distance education.

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

On motion of Senator Pearce, **HCS** for **HB 1389** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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.

HCS for **HB 1412**, entitled:

An Act to repeal sections 400.9-501 and 400.9-516, RSMo, and to enact in lieu thereof two new sections relating to the filing of fraudulent documents, with penalty provisions.

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

On motion of Senator Parson, **HCS** for **HB 1412** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President Pro Tem declared the bill passed.

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

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

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

HB 1411, introduced by Representative Cross, et al, with **SCS**, entitled:

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to tanning facilities, with a penalty provision.

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

SCS for **HB 1411**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1411

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to tanning facilities, with a penalty provision.

Was taken up.

Senator Sifton moved that **SCS** for **HB 1411** be adopted.

Senator Sifton offered **SS** for **SCS** for **HB 1411**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1411

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to tanning facilities, with a penalty provision.

Senator Sifton moved that **SS** for **SCS** for **HB 1411** be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Sifton, **SS** for **SCS** for **HB 1411** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus	Keaveny
Kehoe	Munzlinger	Nasheed	Nieves	Richard	Sater	Schaaf	Schaefer
Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—22		

NAYS—Senators

Brown Emery Kraus Lager Lamping LeVota Libla Parson
Pearce Romine—10

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Sifton 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 assumed the Chair.

HB 1504, introduced by Representative Zerr, with **SCS**, entitled:

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

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

SCS for **HB 1504**, entitled:

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 taken up.

Senator Dempsey moved that **SCS** for **HB 1504** be adopted.

Senator Dempsey offered **SS** for **SCS** for **HB 1504**, entitled:

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.

Senator Dempsey moved that **SS** for **SCS** for **HB 1504** be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

On motion of Senator Dempsey, **SS** for **SCS** for **HB 1504** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Chappelle-Nadal—1

Absent—Senators

Justus Sater—2

Absent with leave—Senators—None

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.

HB 1866, introduced by Representative Schatz, et al, with **SCS**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

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

SCS for **HB 1866**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1866

An Act to amend chapter 227, RSMo, by adding thereto thirteen new sections relating to the designation of memorial highways and bridges.

Was taken up.

Senator Kehoe moved that **SCS** for **HB 1866** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SCS** for **HB 1866** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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.

HCS for HB 1999, entitled:

An Act to repeal section 301.640, RSMo, and to enact in lieu thereof one new section relating to the electronic transmission of motor vehicle lien documents.

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

On motion of Senator Cunningham, **HCS for HB 1999** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

HCS for HBs 1735 and 1618, with **SCS**, entitled:

An Act to repeal section 578.120, RSMo, and to enact in lieu thereof one new section relating to the sale of motorcycles on Sunday, with a penalty provision.

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

SCS for HCS for HBs 1735 and 1618, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1735 and 1618

An Act to repeal section 578.120, RSMo, and to enact in lieu thereof one new section relating to the sales on Sunday, with a penalty provision.

Was taken up.

Senator Kraus moved that **SCS** for **HCS** for **HBs 1735** and **1618** be adopted.

Senator Kraus offered **SS** for **SCS** for **HCS** for **HBs 1735** and **1618**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1735 and 1618

An Act to repeal sections 301.010, 301.700, and 578.120, RSMo, and to enact in lieu thereof three new sections relating to ownership of certain vehicles, with existing penalty provisions.

Senator Kraus moved that **SS** for **SCS** for **HCS** for **HBs 1735** and **1618** be adopted, which motion prevailed.

On motion of Senator Kraus, **SS** for **SCS** for **HCS** for **HBs 1735** and **1618** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Dempsey	Dixon	Emery	Holsman	Justus	Keaveny
Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger	Nasheed
Parson	Pearce	Richard	Sater	Schaaf	Schaefer	Schmitt	Sifton
Silvey	Wallingford	Walsh	Wasson—28				

NAYS—Senators

Brown	Cunningham	Nieves	Romine—4
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Absent—Senators—None

Absent with leave—Senators—None

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.

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 conferees on **SCS** for **SB 612**, as amended, are Representatives: Hoskins, Miller and Dunn.

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 **HB 1490**, as amended. Representatives: Bahr, Diehl and Montecillo.

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 **HB 1439**, as amended. Representatives: Funderburk, Hicks and Frame.

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 **HJR 75**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Richard, the Senate recessed until 2:30 p.m.

RECESS

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

Senator Richard requested unanimous consent of the Senate to correct the report made by the Rules, Joint Rules, Resolutions and Ethics Committee on Tuesday, May 6, 2014 by submitting a corrected committee report on Senate Concurrent Resolution No. 41, which request was granted.

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following corrected report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 41**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 41, appearing on Page 708 of the Senate Journal for April 2, 2014, Line 7 of said journal page, by striking the word “designate” and inserting in lieu thereof the word “recognize”.

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 **HB 1132**.

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 693**, entitled:

An Act to repeal sections 67.281, 99.845, 137.100, 143.451, and 144.030, RSMo, and to enact in lieu thereof ten new sections relating to taxation.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12, as amended, House Amendment Nos. 13, 14 and 15.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 693, Page 1, Section 67.281, Lines 11-12, by deleting all of said line and inserting in lieu thereof the following:

“two-family dwelling or townhouse. The provisions of this section shall expire on December 31, [2019] **2024.**”; and

Further amend said bill, Pages 14-15, Section 137.100, Lines 1-47, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 14, 135.980, Lines 1-13, by deleting all of said lines and inserting in lieu thereof the following:

“135.980. 1. As used in this section, the following terms shall mean:

(1) “NAICS”, the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(2) “Public financial incentive”, any economic or financial incentive offered including:

(a) Any tax reduction, credit, forgiveness, abatement, subsidy, or other tax-relieving measure;

(b) Any tax increment financing or similar financial arrangement;

(c) Any monetary or non-monetary benefit related to any bond, loan, or similar financial arrangement;

(d) Any reduction, credit, forgiveness, abatement, subsidy, or other relief related to any bond, loan, or similar financial arrangement; and

(e) The ability to form, own, direct, or receive any economic or financial benefit from any special taxation district.

2. No city not within a county shall by ballot measure impose any restriction on any public financial incentive authorized by statute for a business with a NAICS code of 221112.

3. The provisions of this section shall expire on December 31, 2017.”; and

Further amend said bill, Page 31, Section 144.030, Line 309, by deleting the word “**There**” and inserting in lieu thereof the following words, “**Effective July 1, 2015, there**”; and

Further amend said bill and said page, Section 407.1610, Line 6, by inserting after all of said line the following:

“578.120. 1. Notwithstanding any provision in this chapter to the contrary, no dealer, distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in keeping open or operating any established place of business for the purpose of buying, selling, bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new or used, on Sunday. However, this section does not apply to the sale of manufactured housing; the sale of recreational motor vehicles; **the sale of motorcycles as defined in section 301.010; the sale of motortricycles, motorized bicycles, all-terrain vehicles, recreational off-highway vehicles, utility vehicles, personal watercraft, or other motorized vehicles customarily sold by powersport dealers licensed pursuant to section 301.550 et. seq.**; washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or displays participated in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority.

2. No association consisting of motor vehicle dealers, distributors or manufacturers licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under chapter 416 or regulation promulgated thereunder solely because it encourages its members not to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or exchanging any motor vehicle.

3. Any person who violates the provisions of this section shall be guilty of a class C misdemeanor.”; and

Further amend said bill, Page 31, Section 407.1610, Line 6, by inserting after all of said section and line the following:

“**Section 1. All courts that require mandatory e-filing must accept, file, and docket any filing filed by an attorney, including an entry of appearance, that was sent by fax or regular mail.**”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 693, Page 31, Section 144.1030, Line 11, by inserting immediately after said line the following:

“182.802. 1. (1) Any public library district located in any of the following counties may impose a tax as provided in this section:

(a) At least partially within any county of the third classification without a township form of government and with more than forty thousand eight hundred but fewer than forty thousand nine hundred inhabitants;

(b) Any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants;

(c) Any county of the third classification without a township form of government and with more than thirteen thousand two hundred but fewer than thirteen thousand three hundred inhabitants;

(d) Any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants;

(e) Any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants;

(f) Any county of the third classification with a township form of government and with more than thirty-three thousand one hundred but fewer than thirty-three thousand two hundred inhabitants;

(g) Any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

(h) Any county of the fourth classification with more than twenty thousand but fewer than thirty thousand inhabitants.

(2) Any public library district listed in subdivision (1) of this subsection may, by a majority vote of its board of directors, impose a tax not to exceed one-half of one cent on all retail sales subject to taxation under sections 144.010 to 144.525 for the purpose of funding the operation and maintenance of public libraries within the boundaries of such library district. The tax authorized by this subsection shall be in addition to all other taxes allowed by law. No tax under this subsection shall become effective unless the board of directors submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the tax, and such tax shall become effective only after the majority of the voters voting on such tax approve such tax.

2. In the event the district seeks to impose a sales tax under this subsection, the question shall be submitted in substantially the following form:

Shall a cent sales tax be levied on all retail sales within the district for the purpose of providing funding for library district?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors shall have no power to impose the tax unless and until another proposal to authorize the tax is submitted to the voters of the district and such proposal is approved by a majority of the qualified voters voting thereon. The provisions of sections 32.085 and 32.087 shall apply to any tax approved under this subsection.

3. As used in this section, “qualified voters” or “voters” means any individuals residing within the district who are eligible to be registered voters and who have registered to vote under chapter 115, or, if no individuals are eligible and registered to vote reside within the proposed district, all of the owners of real property located within the proposed district who have unanimously petitioned for or consented to the adoption of an ordinance by the governing body imposing a tax authorized in this section. If the owner of the property within the proposed district is a political subdivision or corporation of the state, the governing body of such political subdivision or corporation shall be considered the owner for purposes of this section.

4. For purposes of this section the term “public library district” shall mean any city library district, county library district, city-county library district, municipal library district, consolidated library district, or urban library district.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 693, Page 14, Section 99.845, Line 294, 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.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 693, Page 31, Section 144.030, Line 313, by inserting immediately after said line the following:

“144.044. 1. As used in this section, the following terms mean:

(1) “Sale of a modular unit”, a transfer of a modular unit as defined in section 700.010;

(2) “Sale of a new manufactured home”, a transfer of a manufactured home, as defined in section 700.010, which involves the delivery of the document known as the manufacturer’s statement of origin to a person other than a manufactured home dealer, as dealer is defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(3) “Sale of a used manufactured home”, any subsequent sale of a manufactured home as defined in section 700.010, which does not qualify as “new” as defined in subdivision (9) of section 700.010.

2. In the event of the sale of a new manufactured home, forty percent of the purchase price, as defined in section 700.320, shall be considered the sale of a service and not the sale of tangible personal property. In addition to the exemptions granted under the provisions of section 144.030, the sale of services as defined in this section shall be specifically exempted from the provisions of sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to [144.745] **144.761**, and from the computation of the tax levied, assessed or payable under sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to [144.745] **144.761**, and section 238.235.

3. In the event of the sale of a new modular unit, forty percent of the retail sale of the unit or forty percent of the manufacturer’s sales price of the unit if the manufacturer makes a sale to a consumer that is not a retail sale, plus any carrier charge and freight charges shall be considered the sale of a service and

sixty percent shall be the retail sale of tangible personal property. In addition to the exemptions granted under the provisions of section 144.030, the sale of services as defined in this section shall be specifically exempted from the provisions of sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to [144.745] **144.761**, and from the computation of the tax levied, assessed, or payable under sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to [144.745] **144.761**, and section 238.235.

4. In addition to the exemptions granted under the provisions of section 144.030, the sale of a used manufactured home as defined in this section shall be specifically exempted from the provisions of sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235.”; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 693, Page 15, Section 137.100, Line 47,

“143.041. **1.** A tax is hereby imposed for every taxable year on the income of every nonresident individual which is derived from sources within this state. The tax shall be that amount which bears the same ratio to the tax applicable to the individual if he would have been a resident as (A) his Missouri nonresident adjusted gross income as determined under section 143.181 (Missouri adjusted gross income derived from sources within this state) bears to (B) his Missouri adjusted gross income derived from all sources.

2. The provisions of this section shall not apply to out-of-state businesses or out-of-state employees operating under sections 190.270 to 190.285.

143.071. **1.** For all tax years beginning before September 1, 1993, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to five percent of Missouri taxable income.

2. For all tax years beginning on or after September 1, 1993, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to six and one-fourth percent of Missouri taxable income.

3. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

143.191. **1.** Every employer maintaining an office or transacting any business within this state and making payment of any wages taxable under sections 143.011 to 143.998 to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period the amount provided in subsection 3 of this section.

2. The term “wages” referred to in subsection 1 of this section means wages as defined by section 3401(a) of the Internal Revenue Code of 1986, as amended. The term “employer” means any person, firm, corporation, association, fiduciary of any kind, or other type of organization for whom an individual performs service as an employee, except that if the person or organization for whom the individual performs service does not have control of the payment of compensation for such service, the term “employer” means the person having control of the payment of the compensation. The term includes the United States, this

state, other states, and all agencies, instrumentalities, and subdivisions of any of them.

3. The method of determining the amount to be withheld shall be prescribed by regulations of the director of revenue. The prescribed table, percentages, or other method shall result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee under sections 143.011 to 143.998 with respect to the amount of such wages included in his Missouri adjusted gross income during the calendar year.

4. For purposes of this section an employee shall be entitled to the same number of personal and dependency withholding exemptions as the number of exemptions to which he is entitled for federal income tax withholding purposes. An employer may rely upon the number of federal withholding exemptions claimed by the employee, except where the employee provides the employer with a form claiming a different number of withholding exemptions in this state.

5. The director of revenue may enter into agreements with the tax departments of other states (which require income tax to be withheld from the payment of wages) so as to govern the amounts to be withheld from the wages of residents of such states under this section. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under regulations prescribed by the director of revenue, may relieve employers in this state from withholding income tax on wages paid to nonresident employees. The agreements authorized by this subsection are subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

6. The director of revenue shall enter into agreements with the Secretary of the Treasury of the United States or with the appropriate secretaries of the respective branches of the Armed Forces of the United States for the withholding, as required by subsections 1 and 2 of this section, of income taxes due the state of Missouri on wages or other payments for service in the armed services of the United States or on payments received as retirement or retainer pay of any member or former member of the Armed Forces entitled to such pay.

7. Subject to appropriations for the purpose of implementing this section, the director of revenue shall comply with provisions of the laws of the United States as amended and the regulations promulgated thereto in order that all residents of this state receiving monthly retirement income as a civil service annuitant from the federal government taxable by this state may have withheld monthly from any such moneys, whether pension, annuities or otherwise, an amount for payment of state income taxes as required by state law, but such withholding shall not be less than twenty-five dollars per quarter.

8. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.”;and

Further amend said bill, Page 31, Section 144.030, Line 313, by inserting after all of said section and line the following:

“144.610. 1. A tax is imposed for the privilege of storing, using or consuming within this state any article of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of subsection 1 of section 144.020, purchased on or after the effective date of sections 144.600 to 144.745 in an amount equivalent to the percentage imposed on the sales price in the sales tax law in section 144.020. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest within this state or until the article has become commingled with the general mass of property of this state.

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

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

4. The provisions of this section shall not apply to out-of-state businesses or out-of-state employees operating under sections 190.270 to 190.285.

Further amend said bill and said page, Section 144.1030, Line 11, by inserting immediately after said line the following:

“190.270. Sections 190.270 to 190.285 shall be known and may be cited as the “Facilitating Business Rapid Response to State Declared Disasters Act”.

190.275. As used in sections 190.270 to 190.285, unless the context clearly indicates otherwise, the following terms mean:

(1) **“Declared state disaster” or “emergency”, a disaster or emergency event for which a governor’s state of emergency proclamation has been issued or that the President of the United States has declared to be a major disaster or emergency;**

(2) **“Disaster period”, the period of time that begins ten days before the governor’s proclamation of a state of emergency or the declaration by the President of the United States of a major disaster or emergency, whichever occurs first, and extending for a period of sixty calendar days following the end of the period specified in the proclamation or declaration or sixty calendar days from the proclamation or declaration if no end is provided. The governor may extend the disaster period as warranted.**

(3) **“Infrastructure”, property and equipment owned or used by a public utility, communications network, broadband and internet service provider, cable and video service provider, gas distribution system, or water pipeline that provides service to more than one customer or person, including related support facilities. Infrastructure includes real and personal property such as buildings, offices, power lines, cable lines, poles, communication lines, pipes, structures, and equipment;**

(4) **“Out-of-state business”, a business entity:**

(a) **That does not have a presence in the state;**

(b) **That does not conduct business in the state;**

(c) **That has no registrations, tax filings, or nexus in the state before the declared disaster or emergency; and**

(d) **Whose assistance in repairing, renovating, installing, or building infrastructure related to a declared state disaster or emergency is requested by the state, a county, city, town, or other political**

subdivision of the state or a registered business that owns or uses infrastructure as defined in this section.

Out-of-state business includes a business entity that is affiliated with a registered business solely through common ownership as long as that business entity does not have any registrations, tax filings, or nexus in the state before the declared state disaster or emergency.

For purposes of this section, a prior registration as an out-of-state business for a declared disaster or emergency shall not be considered a registration in this state.

(5) “Out-of-state employee”, an individual who does not work in the state except for disaster or emergency related work during a disaster period;

(6) “Registered business”, a business entity that is registered or licensed to do business in the state before the declared state disaster or emergency.

190.280. 1. An out-of-state business that conducts operations within the state for purposes of assisting in repairing, renovating, installing, or building infrastructure related to a declared state disaster or emergency during the disaster period shall not be considered to have established a level of presence that would subject the business or any of its out-of-state employees to any of the following state or local employment, licensing, or registration requirements:

(1) Except as set forth in section 190.285, registration with the secretary of state;

(2) Withholding or income tax registration, filing, or remitting requirements; and

(3) Use tax on equipment used or consumed during the disaster period if such equipment does not remain in the state after the disaster period.

2. An out-of-state employee shall not be considered to have established residency or a presence in the state that would require that person or that person’s employer to file and pay income taxes, to be subjected to tax withholdings, or to file and pay any other state or local income or withholding tax or fee for work repairing, renovating, installing, or building infrastructure during the disaster period.

3. After the conclusion of a disaster period, an out-of-state business or out-of-state employee that remains in the state is fully subject to the state or local employment, licensing, or registration requirements listed in this section or that were otherwise suspended under sections 190.270 through 190.285 during the disaster period.

190.285. 1. An out-of-state business shall provide notification to the secretary of state within ten days after entry to the state during a disaster period that the out-of-state business is in the state for purposes of responding to the declared state disaster or emergency. The out-of-state business shall provide to the secretary of state information related to the out-of-state business including, but not limited to, the following:

(1) Name;

(2) State of domicile;

(3) Principal business address;

(4) Federal employer identification number;

(5) The date when the out-of-state business entered the state; and

(6) Contact information while the out-of-state business is in this state.

2. A registered business shall provide the notification required in subsection 1 of this section for an affiliate of the registered business that enters the state as an out-of-state business. The notification under this subsection also must include contact information for the registered business in the state.

3. An out-of-state business that remains in the state after a disaster period shall notify the secretary of state within ten days after the end of the disaster period and shall meet all registration, licensing, and filing requirements resulting from any business presence or activity in the state.

4. The secretary of state shall provide information received from out-of-state businesses or registered businesses under this section to the department of revenue within thirty days after receipt of notification.

190.286. The provisions of sections 190.270 to 190.285 shall not grant exemptions authorized by the facilitating business rapid response to state declared disasters act to any out-of-state business performing work pursuant to a request for bid or request for proposal by a state agency or political subdivision.

285.230. 1. As used in this section, “transient employer” means an employer as defined in sections 143.191, 287.030, and 288.032 making payment of wages taxable under chapters 143, 287, and 288 who is not domiciled in this state and who temporarily transacts any business within the state, but shall not include any employer who is not subject to Missouri income tax because of the provisions of 15 U.S.C. 381. The transaction of business shall be considered temporary at any time it cannot be reasonably expected to continue for a period of twenty-four consecutive months. Professional athletic teams and professional entertainers domiciled in a state other than Missouri shall be deemed a “transient employer” for the purposes of this section, unless the person or entity who pays compensation to the nonresident entertainer has fully complied with the provisions of section 143.183 in which case the nonresident entertainer shall not be considered a transient employer.

2. Employers meeting the following criteria shall not be required to file a financial assurance instrument as required by this section:

(1) The principal place of business of the employer must be in a county of another state which is contiguous to the state of Missouri; and

(2) The employer must have been under contract to perform work in Missouri for at least sixty days cumulatively out of twelve months during each of the two calendar years immediately preceding the employer’s initial application for exemption from the provisions of this section; and

(3) The employer must have in his possession a tax clearance from the department of revenue and the division of employment security stating that the employer has faithfully complied with the tax laws of this state during the period set out in subdivision (2) of this subsection.

Within ninety days of August 13, 1988, such employers must obtain initial tax clearances in accordance with subdivision (3) of this subsection. Any tax clearance issued under the provisions of this section by the division of employment security shall be submitted to the department of revenue. On or before January thirty-first of each year, except January thirty-first following the year during which the employer first meets these criteria, the employer shall submit application to the department of revenue and division of employment security for a renewed tax clearance. Failure to submit such renewal applications or failure to comply with applicable Missouri taxing and employment security laws during the period between annual

renewal dates or removal of the employer's principal place of business from a county in another state which is contiguous to Missouri to a state other than Missouri shall immediately subject the employer to all provisions of this section. An employer meeting the requirements of this subsection shall still be subject to the provisions of subsection 5 of this section.

3. Every transient employer shall file with the director of revenue a financial assurance instrument including, but not limited to, a cash bond, a surety bond, or an irrevocable letter of credit as defined in section 400.5-103 issued by any state or federal financial institution. The financial assurance instrument shall be in an amount not less than the average estimated quarterly withholding tax liability of the applicant, but in no case less than five thousand dollars nor more than twenty-five thousand dollars. Any corporate surety shall be licensed to do such business in this state and approved by the director of revenue to act as a surety. The transient employer shall be the principal obligor and the state of Missouri shall be the obligee. The financial assurance instrument shall be conditioned upon the prompt filing of true reports and the payment by such employer to the director of revenue of any and all withholding taxes which are now or which hereafter may be levied or imposed by the state of Missouri, upon the employer, together with any and all penalties and interest thereon, and generally upon the faithful compliance with the provisions of chapters 143, 287, and 288.

4. Any transient employer who is already otherwise required to file a financial assurance instrument as a condition of any contract, provided said financial assurance instrument guarantees payment of all applicable state taxes and all withholding taxes levied or imposed by the state and provided that such financial assurance instrument is delivered by certified mail to the department of revenue by the applicable awarding entity at least fourteen days before the execution of the contract for the performance of work, may use the same financial assurance instrument to comply with the provisions of this section. Before such financial assurance instrument is approved by the awarding entity, the director of revenue shall be satisfied that such financial assurance instrument is sufficient to cover all taxes imposed by this state and the director shall so notify the awarding entity of the decision within the fourteen days prior to the execution of the contract. Failure to do so by the director shall waive any right to disapprove such financial assurance instrument. Before a financial assurance instrument is released by the entity awarding the contract, a tax clearance shall be obtained from the director of revenue that such transient employer has faithfully complied with all the tax laws of this state.

5. Every transient employer shall certify to the director of revenue that such employer has sufficient workers' compensation insurance either through a self-insurance program or a policy of workers' compensation insurance issued by an approved workers' compensation carrier. The self-insurance program shall be approved by the division of workers' compensation pursuant to section 287.280. The insurance policy shall be in a contract form approved by the department of insurance, financial institutions and professional registration.

6. In the event that liability upon the financial assurance instrument thus filed by the transient employer shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the director of revenue any surety on a bond theretofore given or financial institution shall have become unsatisfactory or unacceptable, then the director of revenue may require the employer to file a new financial assurance instrument in the same form and amount. If such new financial assurance instrument shall be furnished by such employer as above provided, the director of revenue shall upon satisfaction of any liability that has accrued, release the surety on the old bond or financial institution issuing the irrevocable letter of credit.

7. Any surety on any bond or financial institution issuing an irrevocable letter of credit furnished by any transient employer as provided in this section shall be released and discharged from any and all liability to the state of Missouri accruing on such bond or irrevocable letter of credit after the expiration of sixty days from the date upon which such surety or financial institution shall have lodged with the director of revenue a written request to be released and discharged; but the request shall not operate to relieve, release or discharge such surety or financial institution from any liability already accrued or which shall accrue during and before the expiration of said sixty-day period. The director of revenue shall promptly on receipt of notice of such request notify the employer who furnished such bond or irrevocable letter of credit and such employer shall on or before the expiration of such sixty-day period file with the director of revenue a new financial assurance instrument satisfactory to the director of revenue in the amount and form provided in this section.

8. Notwithstanding the limitation as to the amount of any financial assurance instrument fixed by this section, if a transient employer becomes delinquent in the payment of any tax or tenders a check in payment of tax which check is returned unpaid because of insufficient funds, the director may demand an additional instrument of such employer in an amount necessary, in the judgment of the director, to protect the revenue of the state. The penal sum of the additional instrument and the instrument furnished under the provisions of the law requiring such instrument may not exceed two quarters' estimated tax liability.

9. For any period when a transient employer fails to meet the requirements of this section, there shall be added to any deficiency assessed against a transient employer, in addition to any other addition, interest, and penalties, an amount equal to twenty-five percent of the deficiency.

10. A taxpayer commits the crime of failure to file a financial assurance instrument if he knowingly fails to comply with the provisions of this section.

11. Failure to file a financial assurance instrument is a class A misdemeanor. Pursuant to section 560.021, a corporation found guilty of failing to file a financial assurance instrument may be fined up to five thousand dollars or any higher amount not exceeding twice the amount the employer profited from the commission of the offense.

12. Failing to register with the department of revenue and execute the financial assurance instrument herein provided, prior to beginning the performance of any contract, shall prohibit the employer from performing on such contract until he complies with such requirements.

13. Each employer shall keep full and accurate records clearly indicating the names, occupations, and crafts, if applicable, of every person employed by him together with an accurate record of the number of hours worked by each employee and the actual wages paid. The payroll records required to be so kept shall be open to inspection by any authorized representative of the department of revenue at any reasonable time and as often as may be necessary and such records shall not be destroyed or removed from the state for a period of one year following the completion of the contract in connection with which the records are made.

14. The entering into of any contract for the performance of work in the state of Missouri by any such employer shall be deemed to constitute an appointment of the secretary of state as registered agent of such employer for purposes of accepting service of any process, or of any notice or demand required or permitted by law. The service of any such process, notice or demand, when served on the secretary of state shall have the same legal force and validity as if served upon the employer personally within the state.

15. In addition, any employer who fails to file a financial assurance instrument as required by this section shall be prohibited from contracting for or performing labor on any public works project in this state

for a period of one year.

16. Whenever a transient employer ceases to engage in activity within the state it shall be the duty of such transient employer to notify the director of revenue in writing at least ten days prior to the time the discontinuance takes effect.

17. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

285.232. 1. Subject to the provisions of section 285.230, any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by section 285.230 before such entity issues a building permit to the transient employer. If any transient employer obtains a building permit without providing such proof, provides a fraudulently obtained tax clearance or a fraudulent financial assurance instrument or through any misrepresentation or any other fraudulent act or in any way violates the provisions of sections 285.230 to 285.234, the Missouri department of revenue shall request a temporary restraining order or seek injunctive relief to immediately prohibit further performance of work by the transient employer on such contract or project. The court may direct that any payments due such transient employer be equitably distributed in satisfaction of the transient employer's obligations pursuant to sections 285.230 to 285.234. Upon issuance of such order by a court of competent jurisdiction, the person for whom the work is being performed may engage another contractor as provided by law or any provision of contract and the person shall not be deemed to be in violation of the contract with such transient employer removed by the court. Nothing in this section shall be construed to create or constitute a liability to or a cause of action against a city or county in regard to the issuance of any license pursuant to this section.

2. Any contractor for private or public construction work in this state which contracts with or otherwise engages a subcontractor, which is deemed a transient employer as defined in section 285.230, to perform any portion of such work, shall require such subcontractor to show proof of having filed a financial assurance instrument with the director of revenue as required by section 285.230 and to show proof that the subcontractor holds a current valid certificate of insurance for workers' compensation coverage in this state, prior to the subcontractor performing any work on the project. If the subcontractor is self-insured for purposes of workers' compensation, the contractor shall require proof that such self-insurance by the subcontractor has been approved by the division of workers' compensation. The contractor shall not allow the subcontractor to perform on such contract until proof of compliance as required by this section has been provided to the contractor. If a subcontractor which is deemed to be a transient employer has previously submitted proof of compliance as required by this section to a state agency or political subdivision for which the contract is being performed as a condition of being qualified to perform work for such agency or political subdivision, the general contractor shall not be required to obtain the proofs required by this section. If at any time prior to final payment to a subcontractor for work performed on a project, a contractor is notified in writing by the director of revenue or the director of the division of workers' compensation that a subcontractor is in violation of sections 285.230 to 285.234, the contractor shall withhold all or part of any payment to the subcontractor under the contract for payment in satisfaction of the subcontractor's obligations as a transient employer if so directed by the director of revenue or the director of the division of workers' compensation. Any contractor withholding payment and paying such funds in satisfaction of the subcontractor's obligations as a transient employer if so directed by the director of revenue or the director of the division of workers' compensation. Any contractor withholding payment and paying such

funds in satisfaction of the subcontractor's obligations as a transient employer shall be deemed in compliance with the contract with the subcontractor to the extent of the amount paid to fulfill such obligation and with the laws of this state regarding timely payment under construction contracts and shall not be subject to any civil or criminal penalty for withholding such payment.

3. Notwithstanding the provision of section 32.057, the Missouri department of revenue shall at least quarterly submit for publication in the Missouri Register a list of construction contractors performing work on construction projects in Missouri who are known by the department to be deemed transient employers pursuant to section 285.230. The department shall also update such list monthly and make such list available upon request without cost to any person.

4. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

285.233. 1. Any transient employer, as defined in this chapter, failing to conclusively show at any time that he has complied with the provisions of section 285.230, relating to the filing of a financial assurance instrument, shall, before beginning performance on any contract made with a political subdivision, deposit with that political subdivision an amount equal to twenty percent of labor costs as specified in such contract which will be held in escrow by the political subdivision and payable only to the department of revenue, the division of employment security or the division of workers' compensation after the actual amount of tax liability is determined. In the event that labor costs are not separately stated in the contract, the amount to be held in escrow shall be ten percent of the contract amount. Any amount remaining in the escrow fund after payments are made shall be refunded to the contractor. Failure of a political subdivision to properly escrow funds required under this section will make it ineligible to receive state funds for public works projects for a period of one year from the date the infraction is discovered.

2. Any transient employer failing to conclusively show at any time that he has complied with the provisions of section 285.230, relating to the filing of a financial assurance instrument, shall, before beginning performance on any contract made with a private entity deposit with that private entity an amount equal to twenty percent of labor costs as specified in such contract which will be held in escrow by the private entity and payable only to the department of revenue, the division of employment security or the division of workers' compensation after the actual amount of tax liability is determined. In the event that labor costs are not separately stated in the contract, the amount to be held in escrow shall be ten percent of the contract amount. Any amount remaining in the escrow fund after payments are made shall be refunded to the contractor. Failure of a private entity to properly escrow funds required under this section shall make such entity liable for the full amount of the state withholding, workers' compensation, and employment security tax liability resulting from the transient employers' contract with that private entity.

3. In addition to any other penalty, interest, or remedy imposed by this section, any transient employer that fails to post a financial assurance instrument or escrow funds as provided for in this section shall be subject to a writ of attachment as provided for in chapter 521 or any other injunctive relief provided for by law.

4. The provisions of this section shall not apply to out-of-state businesses or out-of-state employees operating under sections 190.270 to 190.285.

285.234. 1. Every transient employer, as defined in section 285.230 shall post in a prominent and easily accessible place at the work site a clearly legible copy of the following:

- (1) The notice of registration for employer withholding issued to such transient employer by the director

of revenue;

(2) Proof of coverage for workers' compensation insurance or self-insurance signed by the transient employer and verified by the department of revenue through the records of the division of workers' compensation; and

(3) The notice of registration for unemployment insurance issued to such transient employer by the division of employment security.

2. Any transient employer failing to comply with the provisions of this section shall be liable for a penalty of five hundred dollars per day until the notices required by this section are posted as provided by this section.

3. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.”; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 693, Page 15, Section 137.100, Line 47, by inserting after all of said section and line the following:

“137.133. In any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any correspondence by the assessor with a taxpayer requesting information from the taxpayer shall include the following statement in bold, fourteen point font: “Disclosure of information requested on this document is voluntary and not required by law. Any information disclosed may become public record.”. The provisions of this section shall not apply to requests for information required to be disclosed under sections 137.092 and 137.155.”; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 693, Page 14, Section 135.980, Line 13, by inserting after all of said section and line the following:

“135.1785. 1. As used in this section, the following terms mean:

(1) “Baldrige award”, the Baldrige national quality award established under 15 U.S.C. 3711a;

(2) “Qualified business”, a sole proprietorship, firm, partnership, limited liability company, S corporation, or a corporation doing business in the state of Missouri that has received a Baldrige award and:

(a) Is privately held;

(b) Has operated in Missouri for at least five consecutive years as of the receipt of the Baldrige award;

(c) Is organized for-profit;

(d) Whose owners have been residents of Missouri for at least five years as of the receipt of the Baldrige award;

(e) Has fewer than five hundred employees as of the receipt of the Baldrige award; and

(f) Has not previously received a Baldrige award;

(3) “Tax deduction”, an amount subtracted from the taxpayer’s taxable income to determine Missouri taxable income for the tax year in which such deduction is claimed.

2. In addition to all deductions listed in chapter 143, for all tax years beginning on or after January 1, 2015, a qualified business shall be allowed a tax deduction against the qualified business’s taxable income in an amount equal to one million dollars.

3. Notwithstanding the provisions of section 23.253 to the contrary, this section shall terminate after ten qualified businesses have received a Baldrige award or December 31, 2025, whichever is earlier.”; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 693, Page 31, Section 144.1030, Line 11, by inserting immediately after said line the following:

“321.015. 1. No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to:

- (1) Members of the organized militia, of the reserve corps, public school employees and notaries public;
- (2) Fire protection districts located wholly within counties of the second, third or fourth classification;
- (3) Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants;

(4) Fire protection districts located within counties of the first classification not adjoining any other county of the first classification;

(5) Fire protection districts located within any county of the first or second classification not having more than nine hundred thousand inhabitants which borders any three counties of the first classification;

(6) Fire protection districts located within any county of the first classification which adjoins both a county with a charter form of government with more than nine hundred fifty thousand inhabitants, and adjoins at least four other counties;

(7) Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

3. For the purposes of this section, the term “lucrative office or employment” does not include **part-time employment as defined as less than thirty-five hours per week with a law enforcement agency or** receiving retirement benefits[,] **or** compensation for expenses[, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service,] for service rendered to a fire protection district, the state or any political subdivision thereof.”; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 693, Page 6, Section 99.845, Line 26, by inserting immediately after the word “thereof.” the following:

“If a political subdivision increases its rate of tax on property after the adoption of a redevelopment project, any additional revenues due to the levy increase shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund.”; and

Further amend said section, Page 8, Line 95, by inserting immediately at the end of said line the following:

“If a political subdivision increases its sales tax or compensating use tax rate after the adoption of a redevelopment project, any additional revenues due to the rate increase shall not be considered economic activity taxes subject to deposit into a special allocation fund.”; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 693, Page 15, Section 67.281, Line 17, by inserting after all of said line the following:

“72.401. 1. If a commission has been established pursuant to section 72.400 in any county with a charter form of government where fifty or more cities, towns and villages have been established, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

3. The commission shall be composed of eleven members as provided in this subsection. No member, employee or contractor of the commission shall be an elective official, employee or contractor of the county or of any political subdivision within the county or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (3) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name two members to the commission as prescribed in this subsection each of whom is a resident of a municipality within the county of more than twenty thousand persons;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of twenty thousand or less but more than ten thousand persons;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name one member to the commission as prescribed in this subsection who is a resident of a municipality within the county with a population of ten thousand persons

or less;

(4) An appointive body consisting of the director of the county department of planning, the president of the municipal league of the county, one additional person designated by the county executive, and one additional person named by the board of the municipal league of the county, which appointive body, acting by a majority of all of its members, shall name three members of the commission who are residents of the county; and

(5) The county executive of the county, who shall name four members of the commission, three of whom shall be from the unincorporated area of the county and one of whom shall be from the incorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner changes his or her residence so as to no longer conform to the terms of the requirements of the commissioner's appointment. The commission shall promptly notify the appointing authority of such change of residence.

4. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county.

5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed after the effective date of the ordinance, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

6. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

7. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498 and to the requirements for open meetings and records under chapter 610.

8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the residential property owners and the governing bodies of the affected municipalities or the county, if involved, and any voluntary annexation approved by municipal ordinance provided that the municipality owns the area to be annexed, that the area is contiguous with the municipality, and that the area is utilized only for parks and recreation purposes, shall not be subject to commission review. Such a boundary adjustment or annexation is not prohibited by the existence of an established unincorporated area.

9. Any annexation of property or defined areas of properties approved by a majority of property

owners residing thereon and by ordinance of any municipality that is a service provider for both the water and sanitary sewer within the municipality shall be effective as provided in the annexation ordinance and shall not be subject to commission review. Such annexation shall not be prohibited by the existence of an established unincorporated area.”; and

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

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 693, Page 4, Section 67.585, Line 78, by deleting the phrase “**two-thirds**”; and

Further amend said bill, said page, said section, Line 81, by deleting the phrase “**two-thirds**”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 12

Amend House Amendment No. 12 to House Committee Substitute for Senate Bill No. 693 Page 1, Line 1, by inserting after the word “age” the following:

“1, Section A, Line 2, by inserting immediately after said line the following:

“32.092. 1. Recognizing that there are individuals who believe that they are undertaxed and that advocate a greater tax burden for Missourians, it is hereby the declared policy of this state to provide such individuals with the opportunity to contribute more of their income to state government, there is hereby created in the state treasury the “Tax-Me-More Voluntary Fund”. Any person who believes they are undertaxed may contribute any amount of money they so choose to the fund. The fund shall consist of money received from contributions, donations, gifts, bequests, grants, or other sources granted or given for this fund. The state treasurer shall administer the fund, and money in the fund shall be appropriated as the general assembly may determine for any lawful purpose that will accomplish the objectives of this section.

2. Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend said bill, page”; and

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

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 693, Page 31, Section 407.1610, Line 6, by inserting after all of said section and line the following:

“447.534. 1. Notwithstanding the provisions of subsection 2 of section 447.532, section 447.533, and subsection 1 of section 447.545, United States savings bonds, which are unclaimed property and subject to the provisions of sections 447.500 to 447.595 shall be deemed abandoned when they have remained unclaimed for more than three years after their date of maturity and such bonds and the proceeds from such bonds, including all principal and interest due, in the possession of the treasurer or with an owner whose last known address is located in Missouri shall escheat to the state of Missouri

three years after becoming unclaimed property by virtue of the provisions of sections 447.500 to 447.595 and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri according to the procedure set forth in subsections (1) through (3):

(1) After one hundred eighty days following the second three year period referenced in section 1, if no claim has been approved in accordance with the provisions of section 447.562 for such United States savings bonds or proceeds from such bonds, the treasurer shall commence a civil action in the circuit court of Cole county for a determination that such United States savings bonds and the proceeds from such bonds shall escheat to the state of Missouri. The treasurer may postpone the bringing of such action until sufficient United States savings bonds have accumulated in the treasurer's custody to justify the expense of such proceedings.

(2) If no person shall file a claim or appear at the hearing to substantiate a claim or where the court determines that a claimant is not entitled to the United States savings bonds or proceeds from such bonds claimed by such claimant, then the court, if satisfied by evidence that the treasurer has substantially complied with the laws of the state of Missouri, shall enter a judgment that the subject United States savings bonds and the proceeds from such bonds have escheated to the state of Missouri, and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri.

(3) The treasurer shall redeem such United States savings bonds escheated to the state of Missouri and the proceeds from such redemption of United States savings bonds shall be deposited in the abandoned fund account created by section 447.543.

2. Any person making a claim for the United States savings bonds escheated to the state of Missouri, or for the proceeds from such bonds, may file a claim in accordance with the provisions of section 447.562. Upon providing sufficient proof of the validity of such person's claim, the treasurer may pay such claim in accordance with the provisions of section 447.565.

3. No proceeds from any unclaimed property shall be subject to taxation by the state of Missouri upon escheatment of such property to the state of Missouri under this section.

447.560. 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that, no additional information other than

provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559.

5. The treasurer shall retain a record of the name and, if known, the last known address of each person named on the United States savings bonds which have escheated to the state of Missouri and which have been redeemed by the treasurer under section 447.534. The record shall be made public and available for public inspection at all reasonable business hours. In addition, if a United States savings bond is redeemed in an amount that is less than fifty dollars, the amount redeemed may be made available as public information. No other information furnished to the treasurer in regard to such United States savings bonds, including Social Security numbers or other identifying information shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses, or permits the inspection of such information shall be guilty of a misdemeanor.

447.584. The treasurer, with the approval of the governor, may enter into agreements with any person, firm or corporation to assist in the identification, collection, and processing of abandoned **or escheated** property held by any business entity domiciled and located in another state **or any governmental entity**. The treasurer may agree to pay a fee for such services based in whole or in part on a percentage of the value of any property received pursuant to such agreements. Any expenses paid pursuant to this section may not be deducted from the amount subject to claim [by the owner] under sections 447.500 to 447.595.

Section B. Because of the need to protect the interests of the state, this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.”

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

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 693, Page 1, Section A, Line 2, by inserting after all of said line and section the following:

“32.383. 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue under this chapter and chapters 143, 144, and 147, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from July 1, 2014, to September 30, 2014, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before July 1, 2014. The amnesty shall apply only to tax liabilities due or due but unpaid on or before December 31, 2013, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any

state tax imposed by this state.

2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty, addition to tax, or interest that may be applicable. The department of revenue shall not seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted unless subsequent investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct in applying for amnesty.

3. Amnesty shall be granted only to those taxpayers who have applied for amnesty within the period stated in this section, who have filed a tax return for each taxable period for which amnesty is requested, who have paid the entire balance by September 30, 2014, and who agree to comply with state tax laws for the next eight years from the date of the agreement. No taxpayer shall be entitled to a waiver of any penalty, addition to tax, or interest under this section unless full payment of the tax due is made in accordance with rules established by the director of revenue.

4. All taxpayers granted amnesty under this section shall in good faith comply with this state's tax laws for the eight years following the date of the amnesty agreement. If any such taxpayer fails to comply with all of this state's tax laws at any time during the eight years following the date of the agreement, all penalties, additions to tax, and interest that were waived under the amnesty agreement shall become due and owing immediately.

5. If a taxpayer is granted amnesty under this section, such taxpayer shall not be eligible to participate in any future amnesty for the same tax.

6. If a taxpayer elects to participate in the amnesty program established in this section as evidenced by full payment of the tax due as established by the director of revenue, that election shall constitute an express and absolute relinquishment of all administrative and judicial rights of appeal. No tax payment received under this section shall be eligible for refund or credit.

7. Nothing in this section shall be interpreted to disallow the department of revenue to adjust a taxpayer's tax return as a result of any state or federal audit.

8. All tax payments received as a result of the amnesty program established in this section, other than revenues earmarked by the Constitution of Missouri or this state's statutes, shall be deposited in the state general revenue fund.

9. The department may promulgate rules or issue administrative guidelines as are 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 July 1, 2014, shall be invalid and void.

10. This section shall become effective on July 1, 2014, and shall expire on December 31, 2022.

11. If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect

without the invalid provision or application, and to this end the provisions of this section are severable.”; and

Further amend said bill, Page 31, Section 407.1610, Line 6, by inserting after all of said section and line the following:

“Section B. Because immediate action is necessary to secure adequate state revenue, the enactment of section 32.383 is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the enactment of section 32.383 is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 32.383 shall be in full force and effect on July 1, 2014, or upon its passage and approval, whichever occurs later.”; and

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

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 693, Page 22, Section 143.451, Line 237, by inserting after said line the following:

“143.801. 1. A claim for credit or refund of an overpayment of any tax imposed by sections 143.011 to 143.996 shall be filed by the taxpayer within three years from the time the return was filed or two years from the time the tax was paid, whichever of such periods expires the later; or if no return was filed by the taxpayer, within two years from the time the tax was paid. No credit or refund shall be allowed or made after the expiration of the period of limitation prescribed in this subsection for the filing of a claim for credit or refund, unless a claim for credit or refund is filed by the taxpayer within such period.

2. If the claim is filed by the taxpayer during the three-year period prescribed in subsection 1 **of this section**, the amount of the credit or refund shall not exceed the portion of the tax paid within the three years immediately preceding the filing of the claim plus the period of any extension of time for filing the return. If the claim is not filed within such three-year period, but is filed within the two-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim. If no claim is filed, the credit or refund shall not exceed the amount which would be allowable under either of the preceding sentences, as the case may be, if a claim was filed on the date the credit or refund is allowed.

3. If pursuant to subsection 6 of section 143.711 an agreement for an extension of the period for assessment of income taxes is made within the period prescribed in subsection 1 of this section for the filing of a claim for credit or refund, the period for filing a claim for credit or for making a credit or refund if no claim is filed, shall not expire prior to six months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof. The amount of such credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection 1 of this section if a claim had been filed on the date the agreement was executed.

4. If a taxpayer is required by section 143.601 to report a change or correction in federal taxable income reported on his federal income tax return, or to report a change or correction which is treated in the same manner as if it were an overpayment for federal income tax purposes, an amended return or a claim for credit or refund of any resulting overpayment of tax shall be filed by the taxpayer within one year from the time the notice of such change or correction or such amended return was required to be filed with the

director of revenue. If the report or amended return required by section 143.601 is not filed within the ninety-day period therein specified, interest on any resulting refund or credit shall cease to accrue after such ninetieth day. The amount of such credit or refund shall not exceed the amount of the reduction in tax attributable to:

(1) The issues on which such federal change or correction or the items amended on the taxpayer's amended federal income tax return are based, and

(2) Any change in the amount of [his] **the taxpayer's** federal income tax deduction under the provisions of subsection 1 of section 143.171. No effect shall be given in the preceding sentence to any federal change or correction or to any item on an amended return unless it is timely under the applicable federal period of limitations. The time and amount provisions of this subsection shall be in lieu of any other provisions of this section. This subsection shall not affect the time within which or the amount for which a claim for credit or refund may be filed apart from this subsection.

5. If the claim for credit or refund relates to an overpayment of tax on account of the deductibility by the taxpayer of a debt as a debt which became worthless or a loss from worthlessness of a security or the effect that the deductibility of a debt or of a loss has on the application to the taxpayer of a carryover, the claim may be made, under regulations prescribed by the director of revenue within seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

6. If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback or a capital loss carryback, in lieu of the three-year period of limitations prescribed in subsection 1 of this section, the period shall be that period which ends with the expiration of the fifteenth day of the fortieth month (or the thirty-ninth month, in the case of a corporation) following the end of the taxable year of the net operating loss or net capital loss which results in such carryback, or the period prescribed in subsection 3 of this section in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsections 2, 3 and 4 of this section, whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

7. (1) No period of limitations provided in subsections 1 to 6 of this section shall apply if the director of revenue audits or causes to have audited any return filed and retained as provided in section 143.971 and:

(a) Such examination is conducted after any period of limitations provided in subsections 1 to 6 of this section has expired;

(b) Such examination reveals that the taxpayer is eligible to claim a credit or refund of an overpayment of any tax imposed under this chapter; and

(c) A period of limitations provided in subsections 1 to 6 of this section prohibits the taxpayer from claiming such credit or refund.

(2) The director shall notify the taxpayer of any overpayment discovered under this subsection and inform the taxpayer of the procedure for filing a claim for a credit or refund of such overpayment. If the taxpayer files a claim for such credit or refund, the claim shall be filed in the manner provided in this chapter and shall be filed within one year from the time the director provided notice to the taxpayer.”; and

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

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 693, Page 1, Section 67.281, Line 17, by inserting immediately after said line the following:

“67.451. Any city in which voters have approved fees to recover costs associated with enforcement of municipal housing, property maintenance, or nuisance ordinances may issue a special tax bill against the property where such ordinance violations existed. **Notwithstanding the provisions of section 479.011**, the officer in charge of finance shall cause the amount of unrecovered costs **or fines delinquent for more than a year** to be included in a special tax bill or added to the annual real estate tax bill for the property at the collecting official’s option, and the costs shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by laws governing delinquent and back taxes. The tax bill shall be deemed a personal debt against the owner from the date of issuance, and shall also be a lien on the property until paid. Notwithstanding any provision of the city’s charter to the contrary, the city may provide, by ordinance, that the city may discharge the special tax bill upon a determination by the city that a public benefit will be gained by such discharge, and such discharge shall include any costs of tax collection, accrued interest, or attorney fees related to the special tax bill.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **HCS** for **HB 1631**.

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 621**, entitled:

An Act to repeal sections 56.110, 56.807, 67.320, 408.040, 476.001, 476.320, 476.330, 476.340, 478.240, 478.610, 488.026, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo, and to enact in lieu thereof twenty-six new sections relating to judicial procedures, with penalty provisions and an effective date for certain sections.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 621, Pages 1-3, Section 21.880, Lines 1-74, by deleting all of said section and lines and inserting in lieu thereof the following:

“21.880. 1. There is hereby established a permanent joint committee of the general assembly, which shall be known as the “Joint Committee on the Justice System” and shall be composed of the following members:

(1) The chairs of the senate and house committees on the judiciary;

- (2) The ranking minority members of the senate and house committees on the judiciary;**
- (3) Two members of the senate appointed by the president pro tempore of the senate, one of whom shall be a member of the senate committee on appropriations;**
- (4) The chair of the house committee with jurisdiction over matters relating to criminal laws, law enforcement, and public safety;**
- (5) The chair of the house committee with jurisdiction over matters relating to state correctional institutions;**
- (6) A member of the senate appointed by the minority floor leader of the senate;**
- (7) A member of the house of representatives appointed by the minority floor leader of the house of representatives;**
- (8) Three nonvoting ex officio members who shall be the chief justice of the Missouri supreme court, the state auditor, and the attorney general, or their designees.**

2. No more than three members from each house shall be of the same political party.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chair and vice chair, one of whom shall be the senate judiciary chair and one of whom shall be the house judiciary chair. The positions of chair and vice chair shall alternate every two years thereafter between the senate and house. After its organization, the committee shall meet regularly, at least twice a year, at such time and place as the chair designates, including locations other than Jefferson City. A majority of the members of the committee shall constitute a quorum, but the concurrence of a majority of the members, other than the ex officio members, shall be required for the determination of any matter within the committee's duties.

4. In order to promote the effective administration of justice and public safety, it shall be the duty of the joint committee to:

- (1) Review and monitor:**
 - (a) The state's justice system;**
 - (b) The state's criminal laws, law enforcement, and public safety;**
 - (c) The state's correctional institutions and penal and correctional issues; and**
 - (d) All state government efforts related to terrorism, bioterrorism, and homeland security;**
- (2) Receive reports from the judicial branch, state or local government agencies or departments, and any entities attached to them for administrative purposes;**
- (3) Conduct an ongoing study and analysis of the state's justice system and related issues;**
- (4) Determine the need for changes in statutory law, rules, policies, or procedures;**
- (5) Make any recommendations to the general assembly for legislative action; and**
- (6) Perform other duties authorized by concurrent resolution of the general assembly.**

5. By January 15, 2016, and every year thereafter, it shall be the duty of the joint committee to file with the general assembly a report of its activities, along with any findings or recommendations the committee may have for legislative action.

6. The joint committee shall establish a permanent subcommittee on the Missouri criminal code, which shall conduct and supervise a continuing program of revision designed to maintain the cohesiveness, consistency, and effectiveness of the criminal laws of the state. In connection with this program, the committee may select an advisory committee on the Missouri criminal code, composed of a representative of the Missouri supreme court, a representative of the office of the attorney general, and other individuals known to be interested in the improvement of the state’s criminal laws, and may authorize the payment of any actual and necessary expenses incurred by such members while attending meetings with the committee or the subcommittee on the Missouri criminal code. The subcommittee on the Missouri criminal code shall present to the general assembly in each tenth year such criminal code revision bills as it finds appropriate to accomplish its purpose.

7. The joint committee may make reasonable requests for staff assistance from the research and appropriations staffs of the senate and house and the joint committee on legislative research, and may employ such personnel as it deems necessary to carry out the duties imposed by this section, within the limits of any appropriation for such purpose. In the performance of its duties, the committee may request assistance or information from all branches of government and state departments, agencies, boards, commissions and offices.

8. The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee’s official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund.”; and

Further amend said bill, Page 4, Section 56.110, Lines 5-6, by deleting all of said lines and inserting in lieu thereof the following:

“attorney to prosecute or defend the cause. Such special prosecutor shall not otherwise represent a party other than the state of Missouri in any criminal case or proceeding”; and

Further amend said bill, Page 6, Section 56.807, Line 74, by inserting after all of said section and line the following:

“57.095. Notwithstanding section 537.600, sheriffs or any other law enforcement officers shall have immunity from any liability, civil or criminal, while conducting service of process at the direction of any court to the extent that the officers’ actions do not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”; and

Further amend said bill, Page 11, Section 478.240, Line 27, by inserting after the word “trial” the following:

“, or unless the defendant has indicated on the record that the defendant is permitting the same judge to hear both the preliminary hearing and the trial”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 621, Page 8, Section 408.040, Line 50, by inserting after all of said section and line the following:

“447.534. 1. Notwithstanding the provisions of subsection 2 of section 447.532, section 447.533, and subsection 1 of section 447.545, United States savings bonds, which are unclaimed property and subject to the provisions of sections 447.500 to 447.595 shall be deemed abandoned when

they have remained unclaimed for more than three years after their date of maturity and such bonds and the proceeds from such bonds, including all principal and interest due, in the possession of the treasurer or with an owner whose last known address is located in Missouri shall escheat to the state of Missouri three years after becoming unclaimed property by virtue of the provisions of sections 447.500 to 447.595 and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri according to the procedure set forth in subsections (1) through (3):

(1) After one hundred eighty days following the second three year period referenced in section 1, if no claim has been approved in accordance with the provisions of section 447.562 for such United States savings bonds or proceeds from such bonds, the treasurer shall commence a civil action in the circuit court of Cole county for a determination that such United States savings bonds and the proceeds from such bonds shall escheat to the state of Missouri. The treasurer may postpone the bringing of such action until sufficient United States savings bonds have accumulated in the treasurer's custody to justify the expense of such proceedings.

(2) If no person shall file a claim or appear at the hearing to substantiate a claim or where the court determines that a claimant is not entitled to the United States savings bonds or proceeds from such bonds claimed by such claimant, then the court, if satisfied by evidence that the treasurer has substantially complied with the laws of the state of Missouri, shall enter a judgment that the subject United States savings bonds and the proceeds from such bonds have escheated to the state of Missouri, and all property rights and legal title to and ownership of such United States savings bonds and the proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state of Missouri.

(3) The treasurer shall redeem such United States savings bonds escheated to the state of Missouri and the proceeds from such redemption of United States savings bonds shall be deposited in the abandoned fund account created by section 447.543.

2. Any person making a claim for the United States savings bonds escheated to the state of Missouri, or for the proceeds from such bonds, may file a claim in accordance with the provisions of section 447.562. Upon providing sufficient proof of the validity of such person's claim, the treasurer may pay such claim in accordance with the provisions of section 447.565.

447.560. 1. The treasurer shall retain a record of the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned moneys and property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

2. Except as specifically provided by this section, no information furnished to the treasurer in the holder reports, including Social Security numbers or other identifying information, shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses or permits the inspection of such information shall be guilty of a misdemeanor.

3. If an amount is turned over to the state that is less than fifty dollars, the amount reported may be made available as public information, along with the name and last known address of the person appearing from the holder report to be entitled to the abandoned moneys; except that, no additional information other than

provided for in this section may be released, and any individual other than the person appearing from the holder report to be entitled to the abandoned moneys shall be governed by sections 447.500 to 447.595 and other applicable Missouri law in his or her use or dissemination of such information.

4. If the abandoned property is a military medal, the treasurer is authorized to make any information, other than Social Security numbers, contained in the holder report and record under subsection 1 of this section, and any photograph or other visual depiction of the military medal available to the public in order to facilitate the identification of the original owner or such owner's respective heirs or beneficiaries as described under subdivision (4) of section 447.559.

5. The treasurer shall retain a record of the name and, if known, the last known address of each person named on the United States savings bonds which have escheated to the state of Missouri and which have been redeemed by the treasurer under section 447.534. The record shall be made public and available for public inspection at all reasonable business hours. In addition, if a United States savings bond is redeemed in an amount that is less than fifty dollars, the amount redeemed may be made available as public information. No other information furnished to the treasurer in regard to such United States savings bonds, including Social Security numbers or other identifying information shall be open to public inspection or made public. Any officer, employee or agent of the treasurer who, in violation of the provisions of this section, divulges, discloses, or permits the inspection of such information shall be guilty of a misdemeanor.

447.584. The treasurer, with the approval of the governor, may enter into agreements with any person, firm or corporation to assist in the identification, collection, and processing of abandoned **or escheated** property held by any business entity domiciled and located in another state **or any governmental entity**. The treasurer may agree to pay a fee for such services based in whole or in part on a percentage of the value of any property received pursuant to such agreements. Any expenses paid pursuant to this section may not be deducted from the amount subject to claim [by the owner] under sections 447.500 to 447.595.”; and

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

“Section C. Because of the need to protect the interests of the state, sections 447.534, 447.560, and 447.584 are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 621, Page 8, Section 408.040, Line 50, by inserting after all of said section and line the following:

“456.4-420. 1. If a trust instrument containing a no-contest clause is or has become irrevocable, an interested person may file a petition to the court for an interlocutory determination whether a particular motion, petition, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy.

2. The petition described in subsection 1 of this section shall be verified under oath. The petition may be filed by an interested person either as a separate judicial proceeding, or brought with other claims for relief in a single judicial proceeding, all in the manner prescribed generally for such

proceedings under this chapter. If a petition is joined with other claims for relief, the court shall enter its order or judgment on the petition before proceeding any further with any other claim for relief joined therein. In ruling on such a petition, the court shall consider the text of the clause, the context to the terms of the trust instrument as a whole, and in the context of the verified factual allegations in the petition. No evidence beyond the pleadings and the trust instrument shall be taken except as required to resolve an ambiguity in the no-contest clause.

3. An order or judgment determining a petition described in subsection 1 of this section shall have the effect set forth in subsections 4 and 5 of this section, and shall be subject to appeal as with other final judgments. If the order disposes of fewer than all claims for relief in a judicial proceeding, that order is subject to interlocutory appeal in accordance with the applicable rules for taking such an appeal. If an interlocutory appeal is taken, the court may stay the pending judicial proceeding until final disposition of said appeal on such terms and conditions as the court deems reasonable and proper under the circumstances. A final ruling on the applicability of a no-contest clause shall not preclude any later filing and adjudication of other claims related to the trust.

4. An order or judgment, in whole or in part, on a petition described in subsection 1 of this section shall result in the no-contest clause being enforceable to the extent of the court's ruling, and shall govern application of the no-contest clause to the extent that the interested person then proceeds forward with the claims described therein. In the event such an interlocutory order or judgment is vacated, reversed, or otherwise modified on appeal, no interested person shall be prejudiced by any reliance, through action, inaction or otherwise, on the order or judgment prior to final disposition of the appeal.

5. An order or judgment shall have effect only as to the specific trust terms and factual basis recited in the petition. If claims are later filed that are materially different than those upon which the order or judgment is based, then to the extent such new claims are raised, the party in whose favor the order or judgment was entered shall have no protection from enforcement of the no-contest clause otherwise afforded by the order and judgment entered under this section.

6. For purposes of this section, a "no-contest clause" shall mean a provision in a trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment of, any person, or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in a trust estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

7. A no-contest clause is not enforceable against an interested person in, but not limited to, the following circumstances:

(1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the court over a proceeding concerning a trust, or over any person joined, or attempted to be joined, in such a proceeding;

(2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that has or should have been made by a trustee, provided the interested person otherwise has standing to do so under applicable law, including, but not limited to, section 456.6-603;

(3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the

appointment of a guardian or conservator for the settlor;

(4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;

(5) Disclosure to any person of information concerning a trust instrument or that is relevant to a proceeding before the court concerning the trust instrument or property of the trust estate, unless such disclosure is otherwise prohibited by law;

(6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement agreement concerning a trust instrument, as set forth in section 456.1-111;

(7) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose described therein.

8. In any proceeding brought under this section, the court may award costs, expenses, and attorneys' fees to any party, as provided in section 456.10-1004.

474.395. 1. If a will contains a no-contest clause, an interested person may file a petition with the court for a determination whether a particular motion, petition, action, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy, which application would be adjudicated in the manner prescribed in section 456.4-420, and subject to the provisions set forth therein.

2. For purposes of this section, a “no-contest clause” shall mean a provision in a will purporting to rescind a donative transfer to, or a fiduciary appointment of, any person who institutes a proceeding challenging the validity of all or part of the will, or that otherwise effects a forfeiture of some or all of an interested person’s beneficial interest in the estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term no-contest clause shall also mean an “in terrorem clause”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 621, Page 1, Section A, Line 7, by inserting after all of said section and line the following:

“3.010. [As soon as possible after the final adjournment of the seventieth general assembly and at least every ten years thereafter] **Only upon the adoption of a concurrent resolution by the general assembly**, the revised statutes of Missouri shall be printed, published and distributed in as many volumes as the committee on legislative research (herein called “the committee”) shall determine, and such publication shall be under the direction and supervision of the committee. The annotations **or supplements** may be printed separately **and without a concurrent resolution being adopted by the general assembly**. The cost of printing, binding and delivery of such publication shall be paid from funds appropriated from the general revenue for that purpose.

3.066. 1. When the Missouri supreme court or a federal court with competent jurisdiction makes a final ruling that a bill enacted by the Missouri general assembly or a Missouri state statute or any portion of a Missouri state statute contained in a bill enacted by the Missouri general assembly is unconstitutional on procedural grounds, the Missouri revisor of statutes shall:

(1) For a repealed statute or an amended statute contained in such bill, reprint the statute as it existed in the revised statutes of Missouri prior to the enactment of the bill that the court declared unconstitutional;

(2) For a new statute contained in such bill, remove the new statute from the revised statutes of Missouri, if necessary, and publish only a footnote calling attention to the ruling of the court explaining the reason for the removal of such statute from the revised statutes of Missouri.

2. When a state or federal court with competent jurisdiction issues a permanent order enjoining a bill enacted by the Missouri general assembly or a Missouri state statute or any portion of a Missouri state statute contained in a bill enacted by the Missouri general assembly as unconstitutional on procedural grounds, the Missouri attorney general shall notify the Missouri revisor of statutes of any such order and the Missouri revisor of statutes shall publish a footnote to each affected section calling attention to the ruling of the court on any official website of the committee on legislative research. Such footnote shall remain until such time as a final ruling is made by the Missouri supreme court or a federal court with competent jurisdiction, and at such time, the Missouri revisor shall remove such footnote and, if necessary, shall update such website in like manner as provided in subsection 1 of this section.

3.090. 1. The revisor of statutes shall supervise the printing and publication of all editions of the revised statutes of Missouri and all supplements and pocket parts thereto. [He] **The revisor** shall proofread and compare all copies of laws appearing in the revised statutes of Missouri and supplement or pocket parts thereto and supervise the correction thereof to ensure that all such copies are true and correct copies of the existing laws of this state according to the original rolls thereof with only such variations in the language thereof as are authorized by section 3.060.

2. When any volume of any edition of the revised statutes of Missouri, or any supplement or any edition of pocket parts thereto is printed and published the revisor of statutes shall certify that all laws printed therein have been examined and compared as required by this section and that the same are true and correct copies thereof as passed and remaining in the office of the secretary of state, and that the revised statutes, supplement or pocket part thereto, as thus published, and all laws as therein contained, are true copies of the existing laws of the state of Missouri, of a general nature. [He] **The revisor** shall deposit a copy of each volume of the revised statutes, supplement or pocket part, so certified, in the secretary's office, which shall be prima facie evidence of such statutes. The certificate shall be printed in each copy of the revised statutes, supplement or pocket part, and every copy so printed containing the certificate may be used in evidence without other or further proof of authentication.

3. The revisor of statutes shall supervise the publication of the revised statutes on any official website of the committee on legislative research. Such supervision shall comply with the provisions of subsection 1 of this section to ensure that a true and correct copy of the existing laws of this state are placed on such website. However, the online version of the revised statutes on any official website of the committee on legislative research shall not be considered an official version of the revised statutes, unless the revisor of statutes chooses to certify it as such and places a certificate on the website. The revisor shall periodically update such website as new laws are enacted, including an update of the website on the effective date of any section that becomes law.”; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 621, Page 11, Section 478.240, Line 42, by

inserting after all of said section and line the following:

“478.320. 1. In counties having a population of thirty thousand or less, there shall be one associate circuit judge. In counties having a population of more than thirty thousand and less than one hundred thousand, there shall be two associate circuit judges. In counties having a population of one hundred thousand or more, there shall be three associate circuit judges and one additional associate circuit judge for each additional one hundred thousand inhabitants.

2. [When the office of state courts administrator indicates in an annual judicial weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of one hundred thousand or more, there shall be one additional associate circuit judge position in such circuit for every four full-time judicial positions needed as indicated in the weighted workload model. In a multicounty circuit, the additional associate circuit judge positions shall be apportioned among the counties in the circuit on the basis of population, starting with the most populous county, then the next most populous county, and so forth.

3.] For purposes of this section, notwithstanding the provisions of section 1.100, population of a county shall be determined on the basis of the last previous decennial census of the United States; and, beginning after certification of the year 2000 decennial census, on the basis of annual population estimates prepared by the United States Bureau of the Census, provided that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county to a level provided by subsection 1 of this section.

[4.] **3.** Except in circuits where associate circuit judges are selected under the provisions of Sections 25(a) to (g) of Article V of the constitution, the election of associate circuit judges shall in all respects be conducted as other elections and the returns made as for other officers.

[5.] **4.** In counties not subject to Sections 25(a) to (g) of Article V of the constitution, associate circuit judges shall be elected by the county at large.

[6.] **5.** No associate circuit judge shall practice law, or do a law business, nor shall he or she accept, during his or her term of office, any public appointment for which he or she receives compensation for his or her services.

[7.] **6.** No person shall be elected as an associate circuit judge unless he or she has resided in the county for which he or she is to be elected at least one year prior to the date of his or her election; provided that, a person who is appointed by the governor to fill a vacancy may file for election and be elected notwithstanding the provisions of this subsection.

478.437. [The circuit court of the county of St. Louis, comprising circuit number twenty-one, shall be composed of nineteen divisions and nineteen judges] **1. Beginning in fiscal year 2015, there shall be twenty circuit judges in the twenty-first judicial circuit. These judges shall sit in twenty divisions, and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.**

2. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the twenty-first judicial circuit. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional judgeships per county under section 478.320.

478.464. [1.] In the sixteenth judicial circuit, [associate circuit divisions shall hereafter be numbered beginning with the number 25:

- (1) Division 101 shall hereafter be division 25;
- (2) Division 102 shall hereafter be division 26;
- (3) Division 103 shall hereafter be division 27;
- (4) Division 104 shall hereafter be division 28;
- (5) Division 105 shall hereafter be division 29;
- (6) Division 106 shall hereafter be division 30;
- (7) Division 107 shall hereafter be division 31; and
- (8) Division 108 shall hereafter be division 32.

2. Twelve months after construction of two new courtrooms in Independence is completed, there shall be one additional associate circuit judge in the sixteenth judicial circuit, to be known as division 33. The presiding judge of such circuit shall certify to the state of administration office the actual date of completion of said construction.

3.] there shall be ten associate circuit judges. These judges shall sit in ten divisions, which shall be numbered beginning with the number 25. Divisions 25, 26, 27, 29, and 31 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall sit in Independence. Division 34 shall sit in the location determined by the court en banc. The tenth associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit [consisting of the county of Greene]. These judges shall sit in divisions numbered one, two, three, four and five.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

3. Beginning in fiscal year 2015, there shall be one additional associate circuit judge in the thirty-first judicial circuit, and there shall continue to be the associate judge position authorized in fiscal year 2014. Neither associate circuit judgeship shall be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit [consisting of the county of St. Charles]. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the drug court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016, and such judicial position shall not be considered vacant or filled until January 1, 2017. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320.”; and

Further amend said bill, Page 12, Section 478.610, Line 11, by inserting after all of said section and line the following:

“478.740. 1. There shall be two circuit judges in the thirty-eighth judicial circuit. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 2016, and such judicial position shall not be considered vacant or filled until January 1, 2017. The judge in division one shall be elected in 2018.”; and

Further amend said bill, Page 23, Section B, Line 2, by inserting after all of said section and line the following:

“Section C. Because of the necessity of constitutionally protected expedient access to the courts and ensuring the continued efficient administration of justice, sections 478.320, 478.437, 478.464, 478.513, 478.600, and 478.740 are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution and this act shall be in full force and effect upon its passage and approval.”; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 621, Page 17, Section 542.375, Line 19, by deleting all of said line and inserting in lieu thereof the following:

“a court of competent jurisdiction, or without an investigative subpoena issued by a court of competent jurisdiction, or without a court order for disclosure issued by any court that is a court of competent jurisdiction issued after a governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the information sought is relevant and material to an ongoing criminal investigation.”; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 621, Page 17, Section 542.375, Line 30, by inserting immediately after said line the following:

“566.088. 1. The provisions of this section shall be known as “Carrie’s Law”.

2. A person commits the crime of sexual exploitation by a person of higher authority if such person is or holds oneself out to be in any higher authority than the victim, whether such authority is related to a professional license, or is recognized or upheld as an authority figure within the scope of his or her relationship with a specific group or body of individuals or constituencies and engages in sexual conduct, as defined in section 566.010, with another person who is not the individual's spouse and the sexual conduct occurred:

(1) Following a documented pattern of efforts to seduce the victim over a period of time; and

(2) During the course of a meeting in which the victim sought or received instruction, counseling, advice, therapy, aid, or comfort from the person or within one hundred twenty days after such meeting has ended; or

(3) During a period of time in which the victim was meeting on an ongoing basis with the person of higher authority to seek or receive instruction, counseling, advice, therapy, aid, or comfort from the person; or

(4) While the person was in a position of trust or authority over the victim and used that position of trust or authority to engage in the sexual conduct.

3. Consent by the victim is not a defense under this section.

4. Sexual exploitation by a person of higher authority is a class B misdemeanor unless the person used the relationship to solicit or collect anything of monetary value from the victim or on behalf of the victim, or such monetary collection was solicited or required by the structure of the group or body of individuals bestowing such authority, in which case such sexual exploitation shall be a class A misdemeanor.” ; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 621, Page 17, Section 542.375, Line 30, by inserting after all of said line the following:

“566.157. 1. For purposes of this section, the following terms mean:

(1) “Instant messaging or chat room program”, a program that allows a form of real time text communication between two or more people via computers connected over a network such as the internet, or between cell phone or wireless communication device users, or over a cell phone or wireless communication device network;

(2) “Social networking website”, a website that allows users to create web pages or profiles about themselves that are available to the general public, or to any other users, and offers a mechanism for communication among users. Social networking website shall not include any of the following:

(a) A website that provides only one of the following services: photo-sharing, electronic mail, or instant messaging;

(b) A website, the primary purpose of which is the facilitation of commercial transactions involving goods or services between its members or visitors;

(c) A website, the primary purpose of which is the dissemination of news; or

(d) A website of a governmental entity.

2. A person commits the offense of unlawful internet communication with a minor if:

(1) Such person has been found guilty of:

(a) Any of the provisions of this chapter;

(b) Incest under section 568.020;

(c) Endangering the welfare of a child in the first degree under section 568.045;

(d) Use of a child in a sexual performance under section 568.080;

(e) Promoting a sexual performance by a child under section 568.090;

(f) Sexual exploitation of a minor under section 573.023;

(g) Promoting child pornography in the first degree under section 573.025;

(h) Promoting child pornography in the second degree under section 573.035;

(i) Possession of child pornography under section 573.037; or

(j) Furnishing pornographic material to minors under section 573.040; and

(2) Such person knowingly violates a condition of probation, parole, or supervised release that prohibits such person from using a social networking website or an instant messaging or chat room program to communicate, directly or through an intermediary, with a child less than sixteen years of age.

3. Unlawful internet communication with a minor is a class A misdemeanor unless the person has previously been found guilty of an offense under this section, in which case it is a class D felony.

4. It is a defense to prosecution under this section that the person reasonably believed that the child was at least sixteen years of age.”; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 621, Page 1, In the Title, Line 5, by deleting the word, “judicial” and inserting in lieu thereof the words, “public employee”; and

Further amend said bill, Page 7, Section 67.320, Line 30, by inserting after all of said line the following:

“86.207. 1. **Except as provided in section 86.362**, all persons who become policemen and all policemen who enter or reenter the service of the city after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city or the state of Missouri, anything to the contrary notwithstanding.

2. If any member ceases to be in service for more than one year unless the member has attained the age of fifty-five or has twenty years or more of creditable service, or if the member withdraws the member’s accumulated contributions or if the member receives benefits under the retirement system or dies, the member thereupon ceases to be a member; except in the case of a member who has served in the Armed Forces of the United States and has subsequently been reinstated as a policeman. A member who has terminated employment as a police officer, has actually retired and is receiving retirement benefits under

the system shall be considered a retired member.

3. A reserve officer shall not be considered a member of the system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits from the system other than those awarded when the reserve officer originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those benefits.

86.362. 1. Notwithstanding any provision of law to the contrary, employees of the employees retirement system of the city of St. Louis who are earning creditable service in the employees retirement system of the city of St. Louis and who are transferred to the St. Louis metropolitan police department as policemen shall elect within ninety days of the effective date of this section to either remain a member of the employees retirement system of the city of St. Louis or transfer membership and creditable service to the police retirement system of St. Louis. The election shall be made in writing after the employee has received a detailed analysis comparing retirement, life insurance, disability benefits, and medical benefits of a member of the employees retirement system of the city of St. Louis with the corresponding benefits provided a member of the police retirement system of St. Louis. The employees retirement system of the city of St. Louis and the police retirement system of St. Louis shall work together to provide the detailed analysis under this subsection, ensure that affected members receive such analysis, and design appropriate forms for plan membership election. In electing plan membership, the employee shall acknowledge and agree that an election made under this subsection is irrevocable and constitutes a waiver to receive retirement, life insurance, disability benefits, and medical benefits except as provided by the system elected by the employee. Furthermore, in connection with the election, the employee shall be required to acknowledge that the benefits provided by virtue of membership in either system, and any associated costs to the employee, may be different now or in the future as a result of the election and that the employee agrees to hold both systems harmless with regard to benefit differences resulting from the election.

2. The employees retirement system of the city of St. Louis shall pay to the police retirement system of St. Louis an amount actuarially determined to equal the liability at the time of the transfer for any employee who elects under subsection 1 of this section to transfer to the police retirement system of St. Louis, to the extent that liability is funded as of the most recent actuarial valuation and based on the actuarial value of assets not to exceed one hundred percent. Such transfer shall be made within sixty days of the employee's election.

3. In no event shall any employee receive service credit for the same period of service under more than one retirement system as a result of the provisions of this section.

4. The provisions of this section shall not be effective until a corresponding authorizing ordinance is passed by the board of aldermen with the city of St. Louis.

95.540. 1. The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall mean:

(1) "Employee", any person regularly employed by any city, within the authorization of this section, who receives remuneration from the city for personal services rendered the city. The term "employee" shall not include any person:

(a) Who is included as an active member in any other pension plan similar in purpose by reason of his employment with the city, except the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended; or

- (b) Who acts for the city under contracts or is paid wholly on a fee basis; or
- (c) Who is a city officer or elected official of the city as defined in this section; or
- (d) Who is employed by the city as a “fireman” or “policeman”;

(2) “Officer”, any officer or elected official of the city who has been delegated some substantial part of the sovereign power to be independently exercised with some continuity and without control of a superior power other than the law;

except that any employee earning creditable service in the pension plan adopted under subsection 2 of this section who is transferred to the St. Louis metropolitan police department as a policeman and elects to remain in the pension plan adopted under subsection 2 of this section as provided in section 86.362 shall be considered an employee in the plan for purposes of retirement, life insurance, disability benefits, and medical benefits.

2. Any city of this state that now has or may hereafter have a population of more than four hundred and fifty thousand inhabitants is hereby authorized to provide by ordinance or otherwise for the pensioning of its employees and officers, in one or more plans, whether performing city or county functions, and the widows and minor children of deceased employees and officers and to appropriate and utilize its municipal revenues and other available funds for such purposes.

3. The employees and officers of any municipally owned public utility may be included within the provisions of any pension plan adopted in pursuance of subsection 2, but the cost of paying pensions to such employees and officers and the widows and minor children thereof, as well as its pro rata share of the expenses of administration and the operation of the pension system, as a whole, shall be borne by the funds or revenues of such municipally owned public utility.

4. The employees and officers of any administrative board or board of control organized and existing under the general laws of the state of Missouri for the purpose of furnishing library services or maintaining and operating an art museum or a zoological park or similar public service to the inhabitants of such city may be included within the provisions of any pension plan adopted in pursuance of subsection 2, but the cost of paying pensions to such employees and officers and widows and minor children thereof, as well as their pro rata share of the expenses of administration and the operation of the pension system, as a whole, shall be borne by the funds or revenues of such administrative board or board of control; provided, however, that the employees and officers of any such board or board of control shall not be included in any such pension plan unless the ordinance of such city providing for the inclusion of such employees and officers shall be accepted by resolution of such administrative board or board of control.”; and

Further amend said bill, Page 23, Section B, Line 2, by inserting after all of said line the following:

“Section B. Because of the need to maintain continuity of retirement benefits, the repeal and reenactment of sections 86.207 and 95.540 and the enactment of section 86.362 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 86.207 and 95.540 and the enactment of section 86.362 of section A of this act shall be in full force and effect upon its passage and approval.”; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 621, Page 8, Section 408.040, Line 50, by inserting after all of said section and line the following:

“452.556. 1. The state courts administrator shall create a handbook or be responsible for the approval of a handbook outlining the following:

- (1) What is included in a parenting plan;
- (2) The benefits of the parties agreeing to a parenting plan which outlines education, custody and cooperation between parents;
- (3) The benefits of alternative dispute resolution;
- (4) The pro se family access motion for enforcement of custody or temporary physical custody;
- (5) The underlying assumptions for supreme court rules relating to child support; and
- (6) A party's duties and responsibilities pursuant to section 452.377, including the possible consequences of not complying with section 452.377. The handbooks shall be distributed to each court and shall be available in an alternative format, including Braille, large print, or electronic or audio format upon request by a person with a disability, as defined by the federal Americans with Disabilities Act.

2. Each court shall [mai] **provide** a copy of the handbook developed pursuant to subsection 1 of this section to each party in a dissolution or legal separation action filed pursuant to section 452.310, or any proceeding in modification thereof, where minor children are involved, or may provide the petitioner with a copy of the handbook at the time the petition is filed and direct that a copy of the handbook be served along with the petition and summons upon the respondent.

3. The court shall make the handbook available to interested state agencies and members of the public.”; and

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

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 621, Page 13, Section 488.2206, Line 23, by inserting immediately after all of said line the following:

“488.2245. 1. In addition to all other court costs for municipal ordinance violations, any home rule city with more than fifty-two thousand but fewer than sixty-four thousand inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants may provide for additional court costs in an amount up to ten dollars per case for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge.

2. Such cost shall be collected by the clerk and disbursed to the city at least monthly. The city shall use such additional costs only for the land assemblage and purchase, construction, maintenance, and upkeep of a municipal courthouse. The costs collected may be pledged to directly or indirectly secure bonds for the cost of land assemblage and purchase, construction, maintenance, and upkeep of the courthouse.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 493, 485, 495, 516, 534, 545, 595, 616** and **624**, as amended. Representatives: Stream, Cookson and Englund.

HOUSE BILLS ON THIRD READING

HB 1594, introduced by Representative Davis, et al, with **SCS**, entitled:

An Act to repeal section 290.230, RSMo, and to enact in lieu thereof one new section relating to volunteer labor on public works projects.

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

SCS for **HB 1594**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1594**

An Act to repeal section 290.230, RSMo, and to enact in lieu thereof one new section relating to volunteer labor on public works projects.

Was taken up.

Senator Richard moved that **SCS** for **HB 1594** be adopted, which motion prevailed.

On motion of Senator Richard, **SCS** for **HB 1594** 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	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—30		

NAYS—Senators—None

Absent—Senators

Curls Schmitt—2

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

HB 1184, introduced by Representative Grisamore, entitled:

An Act to repeal section 431.056, RSMo, and to enact in lieu thereof one new section relating to foster children contracting for automobile insurance.

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

Senator Justus offered **SS** for **HB 1184**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1184

An Act to repeal sections 37.710, 105.271, 210.027, 210.145, 210.152, 210.183, 334.950, and 431.056, RSMo, and to enact in lieu thereof eight new sections relating to children, with an existing penalty provision.

Senator Justus moved that **SS** for **HB 1184** be adopted, which motion prevailed.

On motion of Senator Justus, **SS** for **HB 1184** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Justus 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 1085**, entitled:

An Act to repeal sections 182.815 and 182.817, RSMo, and to enact in lieu thereof two new sections relating to the disclosure of library records.

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

On motion of Senator Romine, **HCS** for **HB 1085** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Wasson—31	

NAYS—Senators—None

Absent—Senator Walsh—1

Absent with leave—Senators—None

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.

HCS for HJR 47, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to elections.

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

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Joint Resolution No. 47, Page 1, Section 10, Line 6, by inserting at the end of said line the following: “**Any such general law requirement to vote provided by the general assembly shall allow for valid student identification from any Missouri public higher education institution to satisfy the photo identification requirement.**”.

Senator Nasheed moved that the above amendment be adopted.

Senator Kehoe assumed the Chair.

Senator Nasheed offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Joint Resolution No. 47, Page 1, Line 5, by inserting after “public” the following: “**or private**”.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Kraus, **HCS for HJR 47**, with **SA 1** and **SA 1 to SA 1** (pending), was placed on the Informal Calendar.

HCS for HB 1303, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating religious liberties of students.

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

On motion of Senator Silvey, **HCS** for **HB 1303** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Curls—1

Absent—Senator Justus—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

HB 1372, introduced by Representative Cox, et al, entitled:

An Act to repeal sections 578.501, 578.502, and 578.503, RSMo, and to enact in lieu thereof one new section relating to protest activities at funeral services, with penalty provisions.

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

On motion of Senator Kraus, **HB 1372** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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 Silvey moved that motion lay on the table, which motion prevailed.

HCS for HB 1882, entitled:

An Act to repeal sections 21.557, 21.561, 21.562, 21.563, 21.564, 105.660, 105.664, 105.665, 105.666, 105.670, 105.683, and 105.684, RSMo, and to enact in lieu thereof twelve new sections relating to administrative requirements of public employee retirement plans.

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

On motion of Senator Keaveny, **HCS for HB 1882** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Keaveny 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 1410, with **SCS**, entitled:

An Act to repeal sections 512.180, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, and 535.210, RSMo, and to enact in lieu thereof eleven new sections relating to landlord tenant actions.

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

SCS for HCS for HB 1410, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1410

An Act to repeal sections 512.180, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160,

535.170, 535.200, and 535.210, RSMo, and to enact in lieu thereof eleven new sections relating to landlord tenant actions.

Was taken up.

Senator Schaefer moved that **SCS** for **HCS** for **HB 1410** be adopted.

Senator Schaefer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1410, Page 3, Section 534.380, Line 2, by striking the opening “[” and closing “]” brackets; and further amend lines 2-3, by striking the following: “by the Missouri Rules of Civil Procedure” and inserting in lieu thereof the following: “**as in other civil cases**”; and

Further amend said bill, page 4, section 535.110, line 2, by striking the opening “[” and closing “]” brackets; and further amend lines 2-3, by striking the following: “by the Missouri Rules of Civil Procedure” and inserting in lieu thereof the following: “**as in other civil cases**”.

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

Senator Kraus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1410, Page 1, Section A, Line 5, by inserting after all of said line the following:

“441.005. Except as otherwise provided, when used in chapter 534, chapter 535, or this chapter, the following terms mean:

(1) “**Landlord**”, the owner or lessor of the premises or a person authorized by the owner to exercise any aspect of the management of the premises;

(2) “Lease”, a written or oral agreement for the use or possession of premises;

[(2)] (3) “Lessee”, any person who leases premises from another[, and any person residing on the premises with the lessee’s permission] **to the exclusion of others during the rental or lease period and who is obligated to pay rent**;

[(3)] (4) “Premises”, land, tenements, condominium or cooperative units, air rights and all other types of real property leased under the terms of a rental agreement, including any facilities and appurtenances, to such premises, and any grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant. “Premises” include structures, fixed or mobile, temporary or permanent, vessels, manufactured homes as defined in section 700.010, mobile trailer homes and vehicles which are used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage;

[(4)] (5) “Rent”, a stated payment for the temporary possession or use of a house, land or other real property, made at fixed intervals by a tenant **or lessee** to a landlord;

(6) “**Tenant**”, a person who occupies the premises with the landlord’s consent.

441.500. As used in sections 441.500 to 441.643, the following terms mean:

(1) “Abatement”, the removal or correction, including demolition, of any condition at a property that violates the provisions of any duly enacted building or housing code, as well as the making of such other

improvements or corrections as are needed to effect the rehabilitation of the property or structure, including the closing or physical securing of the structure;

(2) “Agent”, a person authorized by an owner to act for him;

(3) “Code enforcement agency”, the official, agency, or board that has been delegated the responsibility for enforcing the housing code by the governing body;

(4) “Community”, any county or municipality;

(5) “County”, any county in the state;

(6) “Dwelling unit”, premises or part thereof occupied, used, or held out for use and occupancy as a place of abode for human beings, whether occupied or vacant;

(7) “Governing body”, the board, body or persons in which the powers of a community are vested;

(8) “Housing code”, a local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings;

(9) “Local housing corporation”, a not-for-profit corporation organized pursuant to the laws of the state of Missouri for the purpose of promoting housing development and conservation within a specified area of a municipality or an unincorporated area;

(10) “Municipality”, any incorporated city, town, or village;

(11) “Neighborhood association”, any group of persons organized for the sole purpose of improvement of a particular geographic area having specific boundaries within a municipality, provided that such association is recognized by the municipality as the sole association for such purpose within such geographic area;

(12) “Notice of deficiency”, a notice or other order issued by the code enforcement agency and requiring the elimination or removal of deficiencies found to exist under the housing code;

(13) “Nuisance”, a violation of provisions of the housing code applying to the maintenance of the buildings or dwellings which the code official in the exercise of reasonable discretion believes constitutes a threat to the public health, safety or welfare;

(14) “Occupant”, any person **lawfully** occupying a dwelling unit as his or her place of residence, **either as a tenant or a lessee**, whether or not that person is occupying the dwelling unit as a tenant from month to month or under a written lease, undertaking or other agreement;

(15) “Owner”, the record owner or owners, and the beneficial owner or owners when other than the record owner, of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, personal representative, trustee, lessee, agent, or any other person in control of a dwelling unit;

(16) “Person”, any individual, corporation, association, partnership, or other entity.

441.760. **1.** If the plaintiff has met its burden of proof for a complete eviction but the tenant successfully pleads an affirmative defense to the eviction pursuant to section 441.750, then the court shall not terminate the tenancy but shall order the immediate removal of any person who the court finds conducted the drug-related activity which was the subject of the eviction proceeding.

2. If the plaintiff presents evidence that a person is not lawfully occupying a dwelling unit as either a tenant or a lessee, the court shall order the immediate removal of such person unlawfully occupying the dwelling unit.

441.770. 1. If the grounds for an eviction have been established pursuant to subsection 1 of section 441.740, the court shall order that the tenant be evicted from the leased property. **Following the order, the tenant shall have twenty-four hours to vacate the premises and the landlord shall subsequently have a right to reenter and take possession of the premises.**

2. If the grounds for a removal have been established pursuant to subsection 2 of section 441.740, the court shall order that those persons found to be engaging in the criminal activity described therein be immediately removed and barred from the leased property, but the court shall not order the tenancy be terminated.

3. The court may order the expedited execution of an eviction or removal order by requiring the order's enforcement by the appropriate agency within a specified number of days after final judgment.

4. The court may stay execution of an eviction or removal order for a reasonable length of time if the moving party establishes by clear and convincing evidence that immediate removal or eviction would pose a serious danger to the party and that this danger outweighs the safety, health and well-being of the surrounding community and of the plaintiff.”; and

Further amend said bill, Page 8, Section 535.210, Line 58, by inserting after all of said line the following:

“569.130. 1. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he **or she** does so under a claim of right and has reasonable grounds to believe he **or she** has such a right.

2. The defendant shall have the burden of injecting the issue of claim of right.

3. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs, or removes any part of a leased structure or dwelling unit, or the facilities, equipment, or appurtenances thereof, may inject the issue of claim of right.”; and

Further amend the title and enacting clause accordingly.

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

Senator Wasson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1410, Page 1, Section A, Line 5, by inserting after all of said line the following:

“67.281. 1. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or

other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-family dwelling or townhouse. The provisions of this section shall expire on December 31, [2019] **2024**.

2. Any governing body of any political subdivision that adopts the 2009 International Residential Code for One- and Two-Family Dwellings or a subsequent edition of such code without mandated automatic fire sprinkler systems in Section R313 of such code shall retain the language in section R317 of the 2006 International Residential Code for two-family dwellings (R317.1) and townhouses (R317.2).”; and

Further amend the title and enacting clause accordingly.

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

Senator Schaefer moved that **SCS** for **HCS** for **HB 1410**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 1410**, 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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.

CONCURRENT RESOLUTIONS

Senator Pearce moved that **SCR 41**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

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

On motion of Senator Pearce, **SCR 41**, 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Sater moved that **SCR 43** be taken up for adoption, which motion prevailed.

On motion of Senator Sater, **SCR 43** 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Pearce assumed the Chair.

PRIVILEGED MOTIONS

Senator Libla moved that **SCS** for **SB 530**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 530**, entitled:

HOUSE COMMITTEE SUBSITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 530

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof one new section relating to termination of parental rights.

Was taken up.

Senator Libla moved that **HCS** for **SCS** for **SB 530**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Kehoe	Kraus
Lager	Lamping	Libla	Munzlinger	Nieves	Parson	Pearce	Richard

Romine Sater Schaaf Schaefer Schmitt Silvey Wallingford Wasson—24

NAYS—Senators

Curls Holsman Justus Keaveny LeVota Nasheed Sifton Walsh—8

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Libla, **HCS** for **SCS** for **SB 530**, as amended, 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 Nieves Parson Pearce Richard
 Romine Sater Schaaf Schaefer Schmitt Silvey Wallingford Wasson—24

NAYS—Senators

Curls Holsman Justus Keaveny LeVota Nasheed Sifton Walsh—8

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

Senator Libla 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 Kehoe moved that **SB 719**, with **HA 1** and **HA 2** be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Kehoe 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 Parson Pearce Richard Romine Sater
 Schaaf Schaefer Schmitt Sifton Silvey Wallingford Walsh Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

HA 2 was taken up.

Senator Kehoe 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	Parson	Pearce	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senator Richard—1

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Kehoe, **SB 719**, 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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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.

Bill ordered enrolled.

Senator Parson moved that the Senate refuse to concur in HCS for SB 693, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Dixon moved that the Senate refuse to concur in HCS for SB 621, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Brown moved that SB 859, with HCS be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 859, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 859

An Act to repeal sections 340.381 and 340.396, RSMo, and to enact in lieu thereof six new sections relating to agriculture.

Was taken up.

Senator Brown moved that HCS for SB 859 be adopted.

At the request of Senator Brown, the motion to adopt HCS for SB 859 was withdrawn, which placed the bill back on the Calendar.

Senator Parson moved that SB 796, with HA 1 be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Parson 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
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh—30		

NAYS—Senators—None

Absent—Senators

Justus Wasson—2

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Parson, SB 796, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
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Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

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

Senator Parson 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 SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 2077—Appropriations.

HB 2063—Jobs, Economic Development and Local Government.

President Pro Tem Dempsey assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Schaefer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2021**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Dixon offered Senate Resolution No. 2036, regarding Travis Griessel, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 2037, regarding the One Hundred Twenty-fifth Anniversary of Central Christian Church, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 2038, regarding George Hunt, Springfield, which was adopted.

Senator Kehoe offered Senate Resolution No. 2039, regarding Marsha Lawson Dinkins, Tusculumbia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, teachers Dan Campbell, Jeff Pickering and students from Helias Catholic High School, Jefferson City.

Senator Pearce introduced to the Senate, teacher Jeanne Lair and students: Lexi Snyder, Madi Critten, Erin Gilliland, Megan Dominique, Sara Frampton, Lindy Saunders, Mady Koehly, Hannah Leamer, Margo Young, Claire Chapman, Kelly Westphal, Alan Kline, Trent Moore, Matt Shaffer and Wagner Chapman, Chillicothe R-II High School.

Senator Brown introduced to the Senate, Denise Sharp, Rolla; and Amber Mathenia and Cody Romine, St. James; and Cody was made an honorary page.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

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SIXTY-FIFTH DAY—THURSDAY, MAY 8, 2014

—————

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 75

THIRD READING OF SENATE BILLS

SS for SCS for SB 666-Schmitt (In
Fiscal Oversight)

SS for SB 538-Keaveny (In Fiscal Oversight)

SS for SCS for SB 850-Munzlinger (In
Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------|----------------------------------|
| 1. SB 858-Kraus | 7. SBs 798 & 514-Emery, with SCS |
| 2. SB 669-Schaaf | 8. SB 865-Nieves |
| 3. SB 821-Schaefer | 9. SB 619-Nieves, with SCS |
| 4. SB 823-Dixon, et al, with SCS | 10. SB 531-Nasheed |
| 5. SB 973-Brown | 11. SB 820-Schaefer |
| 6. SB 815-Pearce, with SCS | |

HOUSE BILLS ON THIRD READING

- | | |
|---|--|
| 1. HB 1073-Dugger, et al (Kraus) (In Fiscal Oversight) | 6. HCS for HJR 90, with SCS (Kraus) (In Fiscal Oversight) |
| 2. HCS for HBs 1861 & 1864, with SCS (Munzlinger) (In Fiscal Oversight) | 7. HCS for HB 1371, with SCS (Justus) (In Fiscal Oversight) |
| 3. HCS for HB 1326, with SCS (Kehoe) (In Fiscal Oversight) | 8. HB 1865-Redmon, et al, with SCS (Libla) (In Fiscal Oversight) |
| 4. HCS for HB 1336, with SCS (Wasson) (In Fiscal Oversight) | 9. HCS for HB 1075 (Kehoe) (In Fiscal Oversight) |
| 5. HJR 48-Solon, et al (Wallingford) (In Fiscal Oversight) | 10. HCS for HB 2021, with SCS (Schaefer) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 490-Lager and Kehoe, with SCS | SB 617-Parson, with SCS, SS for SCS & SA 1 (pending) |
| SB 494-Pearce, with SS (pending) | SB 634-Parson, with SCS |
| SB 501-Keaveny | SB 641-Emery |
| SB 518-Sater, with SCS, SA 2 & SA 1 to SA 2 (pending) | SB 644-LeVota |
| SB 519-Sater, with SS & SA 1 (pending) | SB 659-Wallingford, with SCS |
| SS for SB 543-Munzlinger | SB 663-Munzlinger, with SCS |
| SB 550-Sater, with SCS | SB 671-Sater |
| SB 553-Emery, with SCS, SS for SCS & SA 1 (pending) | SB 712-Walsh, with SCS & SS for SCS (pending) |
| SB 555-Nasheed, with SS & SA 1 (pending) | SB 724-Parson |
| SB 566-Sifton | SB 739-Romine, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending) |
| SB 573-Munzlinger, with SCS | SB 755-Wallingford |
| SB 578-Kraus | SB 762-Schaefer, with SCS |
| SB 589-Brown, with SCS, SA 2 & SA 1 to SA 2 (pending) | SB 769-Pearce, with SCS |

SB 770-Wallingford, with SCS
SBs 787 & 804-Justus, with SCS
SB 790-Dixon
SB 814-Brown
SB 819-Wallingford, with SCS
SB 830-Parson
SBs 836 & 800-Munzlinger, with SCS
SB 846-Richard
SB 848-LeVota, with SCS
SB 875-Sater, with SCS

SB 887-Schaefer
SB 888-Parson, with SCS
SB 912-Wasson and Justus, with SCS (pending)
SB 919-Justus
SB 966-Lager
SJR 25-Lager, with SS, SA 2 & SA 1 to SA 2
(pending)
SJR 26-Lager, with SS & SA 1 (pending)
SJR 34-Emery
SJR 42-Schmitt, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 1044, with SCS (Lamping)
HB 1126-Dugger and Entlicher, with SCS &
SA 6 (pending) (Kraus)
HCS for HB 1156 (Pearce)
HB 1173-Burlison, et al, with SA 1 & SA 1
to SA 1 (pending) (Brown)
HCS for HB 1189, with SCA 1 (Kehoe)
HCS for HB 1192, with SCS (Brown)
HCS for HB 1204, with SCS (Lager)
HCS for HB 1261 (Kraus)
HCS for HB 1295, with SCS (Kraus)
HCS for HB 1296, with SCS (Kraus)
HCS for HB 1302, with SCS (Lager)
HCS for HBs 1307 & 1313, with SCS, SA 2
& point of order (pending) (Sater)
HB 1388-Cornejo, et al, with SCS (Schaefer)
HB 1390-Thomson, et al, with SCS (Pearce)
HB 1430-Jones (110), et al (Schaaf)
HB 1455-Hoskins and Fraker (Kraus)

HB 1468-Dohrman, et al, with SCS (Pearce)
HB 1495-Torpey and Hicks, with SCS &
SS#2 for SCS (pending) (Dixon)
HCS for HB 1501, with SS (pending) (Schmitt)
HB 1506-Franklin, et al (Brown)
HCS for HB 1514, with SCS (Parson)
HCS for HB 1557 (Munzlinger)
HB 1617-Rehder, et al, with SCS, SS#2
for SCS, SA 1 & SA 2 to SA 1 (pending)
(Brown)
HB 1651-Fraker (Cunningham)
HCS for HB 1685 (Schaaf)
HCS for HB 1918 (Lager), with SA 1 (pending)
HCS for HB 1937, with SCS (Munzlinger)
HB 2028-Peters, et al (Schmitt)
HCS for HJR 47, with SA 1 & SA 1 to SA 1
(pending) (Kraus)
HJR 72-Richardson, et al (Silvey)

CONSENT CALENDAR

House Bills

Reported 4/15

HCS for HB 1510 (Brown)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 526-Cunningham, with HA 1, HA 2,
HA 3, as amended, HA 4, as amended, HA 5
& HA 6

SB 859-Brown, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SBs 493, 485, 495, 516, 534, 545, 595,
616 & 624-Pearce, with HCS, as amended

SCS for SB 612-Schaaf, with HA 1, HA 2,
HA 3, HA 4 & HA 5

SCS for SB 672-Parson, with HCS, as
amended

SCS for SB 716-Brown, with HCS, as
amended

HB 1361-Gosen and Wieland, with SS, as
amended (Parson)

HCS for HB 1439, with SS for SCS, as
amended (Nieves)

HB 1490-Bahr, et al, with SS for SCS, as
amended (Emery)

HCS for HB 2002, with SCS, as amended
(Schaefer)

HCS for HB 2003, with SCS, as amended
(Schaefer)

HCS for HB 2004, with SCS (Schaefer)

HCS for HB 2005, with SCS (Schaefer)

HCS for HB 2006, with SCS (Schaefer)

HCS for HB 2007, with SCS (Schaefer)

HCS for HB 2008, with SCS, as amended
(Schaefer)

HCS for HB 2009, with SCS, as amended
(Schaefer)

HCS for HB 2010, with SCS (Schaefer)

HCS for HB 2011, with SS for SCS
(Schaefer)

HCS for HB 2012, with SCS (Schaefer)

HCS for HB 2013, with SCS (Schaefer)

Requests to Recede or Grant Conference

SB 614-Dixon, with HCS, as amended
(Senate requests House recede or
grant conference)

SB 621-Dixon, with HCS, as amended
(Senate requests House recede or
grant conference)

SB 662-Kraus, with HCS, as amended
(Senate requests House recede or
grant conference)

SB 693-Parson, with HCS, as amended
(Senate requests House recede or
grant conference)