

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY—TUESDAY, MAY 5, 2015

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“The fear of the Lord is the beginning of wisdom, and the knowledge of the Holy One is insight.” (Proverbs 9:10)

O God of hope, we are grateful for the gift of each new day and this season of rebirth. We see the unfolding of flowers and budding trees, of birds singing and animals frolicking, and know You are present. We are uplifted by Your word and the teaching of it and know You are God. Provide us the wisdom we need this day to see Your hand in all that is around us and grant us to be wise in the bills we pass that they benefit this world. 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.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The Journal of the previous day was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schupp offered Senate Resolution No. 1035, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Harry Seltzer, St. Louis, which was adopted.

Senator Cunningham offered the following resolution:

SENATE RESOLUTION NO. 1036

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, The Constitution Project is a fun, yet intensive, interactive competition for high school students to gain experience in fields of journalism, crime scene investigation and trial advocacy:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-eighth General Assembly, First Regular Session, that The Constitution Project be hereby granted permission to use the Senate Chamber from 10:00 a.m. to 3:00 p.m. on Tuesday, September 15, 2015, for the purpose of conducting a mock session.

Senator Cunningham requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1036** up for adoption, which request was granted.

On motion of Senator Cunningham, **SR 1036** was adopted.

Senator Hegeman offered Senate Resolution No. 1037, regarding Logan Trickel, Trenton, which was adopted.

Senator Hegeman offered Senate Resolution No. 1038, regarding Robin G. Connell, which was adopted.

Senator Hegeman offered Senate Resolution No. 1039, regarding Kay Boyer, which was adopted.

Senator Hegeman offered Senate Resolution No. 1040, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Wyatt Burch, King City, which was adopted.

Senator Riddle offered Senate Resolution No. 1041, regarding Corrections Officer I, Lacie Tarrants, which was adopted.

Senator Dixon offered Senate Resolution No. 1042, regarding David Carr, Nixa, which was adopted.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 300**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 172**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 115**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 445**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **SCS** for **SB 152**, as amended.

Also,

The Speaker has appointed the following conferees: Representatives Miller, Corlew, Hubrecht, Smith and Nichols.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 615** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

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 **SS** for **SCS** for **SB 115**, as amended. Representatives: Miller, Rowden, Koenig, Carpenter and Butler.

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 **SB 300**, as amended. Representatives: Leara, Johnson, Taylor, Webber and Kendrick.

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 **SB 172**, as amended. Representatives: Swan, Rowland, Lair, Montecillo and McNeil.

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 **SB 445**, as amended. Representatives: Miller, Remole, Bondon, Smith and Nichols.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 115**, as amended: Senators Kraus, Onder, Wallingford Walsh and Schupp.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 300**, as amended: Senators Silvey, Parson, Schaaf, Keaveny and Curls.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 172**, as amended: Senators Romine, Pearce, Wallingford, Keaveny and Schupp.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 445**, as amended: Senators Romine, Kehoe, Wallingford, Schupp and Holsman.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 1048**—Jobs, Economic Development and Local Government.

HCS for **HB 513**—Ways and Means.

HB 824—Commerce, Consumer Protection, Energy and the Environment.

HCS for **HB 122**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 479**—Agriculture, Food Production and Outdoor Resources.

HB 612—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 530**—Jobs, Economic Development and Local Government.

HB 1054—Education.

HCS for **HB 1044**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 207**—Jobs, Economic Development and Local Government.

HCS for **HB 565**—Education.

HCS for **HB 180**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1179**—Financial and Governmental Organizations and Elections.

HB 1330—Financial and Governmental Organizations and Elections.

HCS for **HB 17**—Appropriations.

HCS for **HB 18**—Appropriations.

HCS for **HB 19**—Appropriations.

HOUSE BILLS ON THIRD READING

Senator Kehoe moved that **HCS** for **HB 722**, with **SS** and point of order (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Pro Tem Dempsey ruled the point of order not well taken.

SS for **HCS** for **HB 722** was again taken up.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 722, Page 1, Section 285.055, Lines 15-16, by striking all of said lines; and

Further amend said bill and section, page 2, lines 6-13, by striking all of said lines from the bill; and

Further renumber the remaining subdivisions accordingly; and

Further amend lines 16-22, by striking all of said lines from the bill; and

Further renumber the remaining subsection accordingly.

Senator Sifton moved that the above amendment be adopted.

Senator Romine assumed the Chair.

President Kinder assumed the Chair.

Senator Keaveny requested a roll call vote be taken on the adoption of **SA 1**. He was joined in his request by Senators Kehoe, Chappelle-Nadal, Curls and Walsh.

SA 1 failed of adoption by the following vote:

YEAS—Senators

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

NAYS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Hegeman	Kehoe	Kraus
Libla	Munzlinger	Onder	Parson	Pearce	Richard	Riddle	Romine
Sater	Schaaf	Schaefer	Schatz	Schmitt	Silvey	Wallingford	Wasson
Wieland—25							

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 722, Page 2, Section 285.055, Line 22, by inserting after all of said line the following: “**The provisions of this subsection shall not preempt any state law or local minimum wage ordinance requirements in effect on August 28, 2015.**”

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

Senator Dixon assumed the Chair.

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 722, Page 2, Section 285.055, Lines 23-25, by striking all of said lines from the bill.

Senator Nasheed moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Chappelle-Nadal offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 722, Page 1, Section 260.283, Line 12, by inserting immediately at the end of said line the following:

“No political subdivision shall prohibit a consumer from using a reusable bag for the packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator LeVota offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 722, Page 2, Section 285.055, Line 25, by inserting immediately after said line the following:

“290.502. 1. Except as may be otherwise provided pursuant to sections 290.500 to 290.530, effective January 1, [2007] **2016, the minimum wage rate that** every employer shall pay to each employee [wages at the rate of \$6.50] **shall be either no less than \$10.00** per hour, or wages at the same rate or rates set under the provisions of federal law as the prevailing federal minimum wage applicable to those covered jobs in interstate commerce, whichever rate per hour is higher.

2. The minimum wage **rate provided for in subsection 1 of this section shall ,whether or not such wage is derived from the statutory minimum or the adoption of the federal minimum as required in subsection 1 of this section,** increased or decreased on January 1, [2008] **2017,** and on January 1 of successive years, by the increase or decrease in the cost of living. On September 30, [2007] **2016,** and on each September 30 of each successive year, the director shall measure the increase or decrease in the cost of living by the percentage increase or decrease as of the preceding July over the level as of July of the immediately preceding year of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) or successor index as published by the U.S. Department of Labor or its successor agency, with the amount of the minimum wage increase or decrease rounded to the nearest five cents.”; and

Further amend the title and enacting clause accordingly.

Senator LeVota moved that the above amendment be adopted.

Senator Kehoe raised the point of order that **SA 5** is out of order as it goes beyond the scope and purpose of the bill. The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Nasheed offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 722, Page 2, Section 285.055, Lines 6-13, by striking said lines and further amend lines 18-19 by striking said lines and inserting in lieu thereof the following:

“a minimum wage.”

Senator Nasheed moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Curls, LeVota, Schupp and Walsh.

SA 6 failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Holsman	Keaveny	LeVota	Nasheed	Schupp	Sifton	Walsh—8
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NAYS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Hegeman	Kehoe	Kraus
Libla	Munzlinger	Onder	Parson	Pearce	Richard	Riddle	Romine
Sater	Schaaf	Schaefer	Schatz	Schmitt	Silvey	Wallingford	Wasson
Wieland—25							

Absent—Senator Curls—1

Absent with leave—Senators—None

Vacancies—None

Senator Nasheed offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 722, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

“213.055. 1. It shall be an unlawful employment practice:

(1) For an employer, because of the race, color, religion, national origin, sex, ancestry, age or disability of any individual:

(a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, national origin, sex, ancestry, age or disability;

(b) To limit, segregate, or classify his employees or his employment applicants in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, national origin, sex, ancestry, age or disability;

(2) For a labor organization to exclude or to expel from its membership any individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer because of race, color, religion, national origin, sex, ancestry, age or disability of any individual; or to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual,

in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, national origin, sex, ancestry, age or disability; or for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, national origin, sex, ancestry, age or disability in admission to, or employment in, any program established to provide apprenticeship or other training;

(3) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination, because of race, color, religion, national origin, sex, ancestry, age or disability unless based upon a bona fide occupational qualification or for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, national origin, sex, ancestry, age as it relates to employment, or disability, or to classify or refer for employment any individual on the basis of his race, color, religion, national origin, sex, ancestry, age or disability;

(4) For a public employer to inquire into or consider the criminal record of an applicant for employment until the employer has either extended a conditional offer of employment to the applicant or has conducted an interview with the applicant. For purposes of this subdivision, a conditional offer of employment is an offer of employment that is dependent on the successful completion of the following: medical examination; drug test; and background investigation. Once a conditional offer has been made or the interview has been conducted, the applicant's criminal record may be considered as part of the background check. The employer shall consider the following factors in evaluating the applicant and the results of any criminal history inquiry:

(a) The nature of the offense;

(b) Any information pertaining to the degree of rehabilitation and good conduct, including any information produced by the applicant, or produced on his or her behalf;

(c) Whether the prospective job provides an opportunity for the commission of a similar offense;

(d) Whether the circumstances leading to the offense are likely to reoccur;

(e) The length of time that has elapsed since the offense; and

(f) Whether there is a rational relationship between the offense and the duties and responsibilities of the position.

After considering the above factors, an employer may determine in its discretion whether or not to revoke any conditional offer of employment that may have been extended to an applicant.

2. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences or such systems are not the result of an intention or a design to discriminate, and are not used to discriminate, because of race, color, religion, sex, national origin, ancestry, age or disability, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any

professionally developed ability test, provided that such test, its administration, or action upon the results thereof, is not designed, intended or used to discriminate because of race, color, religion, national origin, sex, ancestry, age or disability.

3. Nothing contained in this chapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, color, religion, national origin, sex, ancestry, age or disability of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, national origin, sex, ancestry, age or disability employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, national origin, sex, ancestry, age or disability in any community, state, section, or other area, or in the available workforce in any community, state, section, or other area.

4. Notwithstanding any other provision of this chapter, it shall not be an unlawful employment practice for the state or any political subdivision of the state to comply with the provisions of 29 U.S.C. 623 relating to employment as firefighters or law enforcement officers.

5. Subdivision (4) of subsection 1 of this section does not apply to any state, county or municipal law enforcement agency, the department of corrections, any county or municipal governmental entity responsible for housing or incarcerating individuals charged with or convicted of any offense, or any position where federal or state law requires or expressly permits the consideration of an applicant's criminal history.”; and

Further amend said bill, page 2, section 285.055, lines 23-25, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Nasheed, the above amendment was withdrawn.

At the request of Senator Kehoe, **SS for HCS for HB 722** was withdrawn.

Senator Hegeman offered **SS No. 2 for HCS for HB 722**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 722

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

Senator Hegeman moved that **SS No. 2 for HCS for HB 722** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SS No. 2 for HCS for HB 722** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cunningham	Dempsey	Dixon	Emery	Hegeman	Kehoe	Kraus
Libla	Munzlinger	Onder	Parson	Richard	Riddle	Romine	Sater

Schaaf	Schaefer	Schatz	Schmitt	Silvey	Wallingford	Wasson	Wieland—24
NAYS—Senators							
Chappelle-Nadal	Curls	Holsman	Keaveny	LeVota	Nasheed	Pearce	Schupp
Sifton	Walsh—10						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 341**, entitled:

An Act to repeal sections 210.003, 210.221, 210.861, 455.010, 455.020, 455.032, 455.040, 455.045, 455.050, 455.080, 455.503, 455.505, 455.513, 455.520, and 455.523, RSMo, section 455.085 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 455.085 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, section 455.538 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 455.538 as enacted by house bill no. 215, ninety-seventh general assembly, first regular session, and to enact in lieu thereof twenty-one new sections relating to the protection of vulnerable persons, with penalty provisions.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 341, Page 6, Section 210.223, Line 7, by striking “If” and inserting the following: “**When in the opinion of the infant’s licensed health care provider,**” and further amend said line, by inserting immediately after “arrangements” the following: “**that differ from those set forth in the most recent sleep recommendations of the American Academy of Pediatrics**”; and

Further amend said bill and section, page 7, line 29, by inserting immediately after “Pediatrics” the following: “**, including but not limited to 19CSR 30.62-092 (1) C which permits the use of bumper pads in cribs or playpens**”.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 341, Page 8, Section 210.861, Line 32, by inserting immediately after the word, “**county**” the words, “**, excluding any**”

county with a charter form of government and with more than nine hundred fifty thousand inhabitants”; and

Further amend said bill and section, Page 9, Line 51, by inserting immediately after the first occurrence of the word, “**county**” the words, “, **excluding any county with a charter form of government and with more than nine hundred fifty thousand inhabitants,**”;

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill 24, the objections of the Governor thereto notwithstanding.

Also,

Mr. President: The attached is a certified copy of the Roll Call on Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill 24.

AYES: 113

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

Mr. Speaker

NOES: 42

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

ABSENT: 7

Black	Dunn	Gardner	Korman	Newman	Parkinson	Shull
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VACANCIES: 1

PRIVILEGED MOTIONS

Senator Onder moved that the Senate refuse to recede from its position on **SCS** for **HB 152**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Schatz moved that the Senate refuse to recede from its position on **SCS** for **HB 615**, as amended, and grant the House a conference thereon, which motion prevailed.

RE-REFERRALS

President Pro Tem Dempsey re-referred **HB 180** to the Committee on Transportation, Infrastructure and Public Safety.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 152**: Senators Onder, Dixon, Riddle, Sifton and Keaveny.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 615**: Senators Schatz, Romine, Libla, Walsh and Sifton.

RESOLUTIONS

Senator Wieland offered Senate Resolution No. 1043, regarding Ernest Ray Tucker, Imperial, which was adopted.

Senator Brown offered Senate Resolution No. 1044, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Werner Cottrill, Salem, which was adopted.

Senator Cunningham offered Senate Resolution No. 1045, regarding the Seventy-fifth Anniversary of the Seymour Lions Club, which was adopted.

Senator Schaaf offered Senate Resolution No. 1046, regarding Alex Moraes, Brownstown, Pennsylvania, which was adopted.

On motion of Senator Richard, the Senate adjourned until 5:00 p.m.

RECESS

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

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 refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 278**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 13**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 224**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 210**, entitled:

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to reimbursement allowance taxes.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

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

Further amend said bill and page, Section 198.439, Line 1, by inserting after all of said line and section the following:

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

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children’s diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

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

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority

of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

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

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

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

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

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

(10) Home health care services;

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

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

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

(14) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her

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

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

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

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

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices

of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as defined in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

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

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

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (14) and (15) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a

participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the [Missouri] MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

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

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

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

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

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

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

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

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

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

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

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

HOUSE AMENDMENT NO. 2

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

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

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

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

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

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

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 345**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

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

“financial transactions, with an existing penalty provision.”; and

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

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

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

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

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

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

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

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

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

(8) If the contract or promissory note, signed by the borrower, provides for attorney fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of the amount due and payable under such contract or promissory note, together with any court costs assessed. The attorney fees shall only be applicable where the contract or promissory note is referred for collection to an attorney, and is not handled by a salaried employee of the holder of the contract;

(9) Provided the debtor agrees in writing, the lender may collect a fee in advance for allowing the debtor to defer up to three monthly loan payments, so long as the fee is no more than the lesser of fifty dollars or

ten percent of the loan payments deferred, no extensions are made until the first loan payment is collected and no more than one deferral in a twelve-month period is agreed to and collected on any one loan; this subdivision applies to nonprecomputed loans only and does not affect any other subdivision;

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

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

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

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

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

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

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

(1) Ethics;

(2) Federal law and regulation pertaining to mortgage origination;

(3) State law and regulation pertaining to mortgage origination;

(4) Federal and state law and regulation on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

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

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

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

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

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

(4) A licensed mortgage loan originator who fails to maintain a valid license for a period of five years or longer shall retake the test, not taking into account any time during which such individual is a registered mortgage loan originator.”; and

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

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 **SCR 31**.

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 **SS** for **SCS** for **SB 278**, as amended. Representatives: Hinson, Solon, Kolkmeier, McManus and Otto.

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 **SB 13**, as amended. Representatives: Spencer, Lichtenegger, Swan, Pierson and Arthur.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HB 556**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nasheed requested unanimous consent of the Senate for conferees on **HCS** for **SCS** for **SB 270**, as amended, to meet while the Senate is in session, which request was granted.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HB 807**, with **SCS**; **HB 254**, with **SCS**; **HCS** for **HB 811**, with **SCS**; and **HB 32** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

At the request of Senator Schmitt, **HCS** for **HJR 34**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **HCS** for **HB 478** was placed on the Informal Calendar.

At the request of Senator Sater, **HB 401**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Riddle, **HB 1093** was placed on the Informal Calendar.

At the request of Senator Wasson, **HCS** for **HB 112** was placed on the Informal Calendar.

At the request of Senator Schaefer, **HCS** for **HB 385** was placed on the Informal Calendar.

At the request of Senator Wasson, **HCS** for **HB 618**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schaefer, **HCS** for **HB 104** was placed on the Informal Calendar.

At the request of Senator Parson, **HCS** for **HB 33**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 864** was placed on the Informal Calendar.

At the request of Senator Kraus, **HB 440** was placed on the Informal Calendar.

At the request of Senator Kraus, **HB 502**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Onder, **HCS** for **HB 769** was placed on the Informal Calendar.

HB 923, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Romine, **HCS** for **HB 1084** was placed on the Informal Calendar.

At the request of Senator Brown, **HB 523**, with **SCS**, was placed on the Informal Calendar.

HB 522, HB 34, HB 133, HB 134, HB 810, HB 338 and HB 873, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **HCS** for **HB 613**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kraus, **HB 616** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **HCS** for **HB 830**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **HB 233**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 692**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cunningham, **HCS** for **HB 926** was placed on the Informal Calendar.

HCS for **HB 807**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **HB 254**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Riddle, **HCS** for **HB 811**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Pearce, **HB 32** was placed on the Informal Calendar.

HCS for **HB 592** was placed on the Informal Calendar.

At the request of Senator Parson, **HB 1022** was placed on the Informal Calendar.

At the request of Senator Hegeman, **HB 808**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Brown, **HCS for HB 538**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **HCS for HB 119** was placed on the Informal Calendar.

At the request of Senator Brown, **HCS for HB 1058**, with **SCS**, was placed on the Informal Calendar.

HB 684 was placed on the Informal Calendar.

At the request of Senator Romine, **HB 1149**, with **SCS**, was placed on the Informal Calendar.

HCS for HB 1063 was placed on the Informal Calendar.

At the request of Senator Schatz, **HB 686**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wasson, **HB 562** was placed on the Informal Calendar.

HCS for HB 709, with **SCS**, entitled:

An Act to amend chapter 374, RSMo, by adding thereto two new sections relating to informational documents issued by the department of insurance, financial institutions and professional registration.

Was taken up by Senator Parson.

SCS for HCS for HB 709, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 709

An Act to repeal sections 195.070, 334.037, 334.104, and 334.747, RSMo, and to enact in lieu thereof seven new sections relating to entities regulated by the department of insurance, financial institutions and professional registration.

Was taken up.

Senator Parson moved that **SCS for HCS for HB 709** be adopted.

Senator Sater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 709, Page 2, Section 195.070, Line 32, by inserting after all of said line the following:

“324.023. 1. Notwithstanding any law to the contrary, any board or commission established under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345 may, at its discretion, issue oral or written opinions addressing topics relating to the qualifications, functions, or duties of any profession licensed by the specific board or commission issuing such guidance. Any such opinion is for educational purposes only, is in no way binding on the licensees of the respective board or commission, and cannot be used as the basis for any discipline against any licensee under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345. No board or commission may address topics relating to the qualifications, functions, or duties of any profession licensed by a different board or commission.

2. The recipient of an opinion given under this section shall be informed that the opinion is for educational purposes only, is in no way binding on the licensees of the board, and cannot be used as

the basis for any discipline against any licensee under chapters 330, 331, 332, 334, 335, 336, 337, 338, 340, and 345.”; and

Further amend the title and enacting clause accordingly.

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

Senator Parson moved that **SCS** for **HCS** for **HB 709**, as amended, be adopted, which motion prevailed.

On motion of Senator Parson, **SCS** for **HCS** for **HB 709**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President 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.

Senator Riddle moved that **SS** for **SCS** for **HB 556** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 556** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson
Wieland—33							

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 1022, introduced by Representative Gosen, entitled:

An Act to repeal section 379.470, RSMo, and to enact in lieu thereof one new section relating to authorized return of premiums paid by insureds.

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

On motion of Senator Wasson, **HB 1022** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schupp	Sifton	Silvey	Walsh	Wasson	Wieland—31	

NAYS—Senators—None

Absent—Senator Schmitt—1

Absent with leave—Senators

Nasheed Wallingford—2

Vacancies—None

The President declared the bill passed.

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

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

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

HB 686, introduced by Representative Hinson, with **SCS**, entitled:

An Act to repeal sections 301.010 and 301.227, RSMo, and to enact in lieu thereof two new sections relating to junking certificates on motor vehicles.

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

SCS for **HB 686**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 686

An Act to repeal sections 301.010, 301.196, 301.227, and 301.280, RSMo, and to enact in lieu thereof four new sections relating to the registration of motor vehicles, with an existing penalty provision.

Was taken up.

Senator Schatz moved that **SCS** for **HB 686** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 686, Page 15, Section 301.280, Line 16, by striking the words “thirty-day”; and

Further amend said bill, page, and section, line 19 by striking the words “thirty-day”.

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

Senator Schatz moved that **SCS** for **HB 686**, as amended, be adopted, which motion prevailed.

On motion of Senator Schatz, **SCS** for **HB 686** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

Senator Schatz 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 769**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to direct health care services.

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

President Pro Tem Dempsey assumed the Chair.

On motion of Senator Onder, **HCS** for **HB 769** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 92, introduced by Representative Miller, entitled:

An Act to repeal sections 260.500 and 644.016, RSMo, and to enact in lieu thereof two new sections relating to the definition of waters of the state.

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

Senator Kehoe offered **SS** for **HB 92**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 92

An Act to repeal sections 259.010, 259.020, 259.030, 259.050, 259.070, 259.080, 259.100, 259.190, 259.210, 260.235, 260.395, 260.500, 444.600, 444.773, 621.250, 640.115, 643.075, 643.078, 644.011, 644.016, 644.051, and 644.056, RSMo, and to enact in lieu thereof twenty-five new sections relating to the department of natural resources.

Senator Kehoe moved that **SS** for **HB 92** be adopted.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 92, Page 1, Section A, Line 10 of said page, by inserting immediately after said line the following:

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

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

created under section 29.230. Such reimbursement shall be limited to two percent of the solid waste management district's annual monetary allocation.”; and

Further amend said bill, page 22, section 259.210, line 6 of said page, by inserting immediately after said line the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) “Household consumer used motor oil collection center”, any site or facility that accepts or aggregates and stores used motor oil collected only from household consumers or farmers who generate an

average of twenty-five gallons per month or less of used motor oil in a calendar year. This section shall not preclude a commercial generator from operating a household consumer used motor oil collection center;

(20) “Household consumer used motor oil collection system”, any used motor oil collection center at publicly owned facilities or private locations, any curbside collection of household consumer used motor oil, or any other household consumer used motor oil collection program determined by the department to further the purposes of sections 260.200 to 260.345;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A transfer station; or

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

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

(d) A plasma arc technology facility;

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

[(53)] (54) “Tire”, a continuous solid or pneumatic rubber covering encircling the wheel of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in chapter 301, except

farm tractors and farm implements owned and operated by a family farm or family farm corporation as defined in section 350.010;

[(54)] (55) “Used motor oil”, any motor oil which, as a result of use, becomes unsuitable for its original purpose due to loss of original properties or the presence of impurities, but used motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils, quenching oils, and transformer oils;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Emphasize waste reduction and recycling;

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

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

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

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

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

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

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

5. In coordination with other appropriate state agencies, including, but not limited to, the division of commerce and industrial development, the office of administration, the environmental improvement and energy resource authority, and the public service commission, the department shall perform the following duties in order to promote resource recovery in the state in ways which are economically feasible:

(1) Identify markets for recovered materials and for energy which could be produced from solid waste and household hazardous waste;

(2) Provide technical assistance pertaining to all aspects of resource recovery to cities, counties, districts, industries and other persons;

(3) Identify opportunities for resource recovery programs in state government and initiate actions to implement such programs;

(4) Expand state contracts for procurement of items made from recovered materials;

(5) Initiate recycling programs within state government;

(6) Provide a clearinghouse of consumer information regarding the need to support resource recovery, utilize and develop new resource recovery programs around existing enterprises, request and purchase recycled products, participate in resource conservation activities and other relevant issues;

(7) Identify barriers to resource recovery and resource conservation, and propose remedies to these barriers; and

(8) Initiate activities with appropriate state and local entities to develop markets for recovered materials.”; and

Further amend said bill, page 23, section 260.235, line 19 of said page, by inserting immediately after said line the following:

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

(1) The department has approved the municipal solid waste disposal area or portion of a solid waste disposal area to operate as a bioreactor under 40 CFR Part 258.4; and

(2) The landfill gas produced by the bioreactor shall be used for the generation of electricity.

2. After January 1, 1991, waste oil shall not be incinerated without energy recovery.

3. Each **solid waste management** district[, county and city] shall address the recycling, reuse and handling of aluminum containers, glass containers, newspapers, **textiles**, whole tires, plastic beverage containers and steel containers in its solid waste management plan consistent with sections 260.250 to 260.345.

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

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

3. The executive board shall:

(1) Review and comment upon applications for permits submitted pursuant to section 260.205, for solid waste processing facilities and solid waste disposal areas which are to be located within the region or, if located in an adjacent region, which will impact solid waste management practices within the region;

(2) Prepare and recommend to the council a solid waste management plan for the district;

(3) Identify illegal dump sites and provide all available information about such sites to the appropriate county prosecutor and to the department;

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

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

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

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

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

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

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

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

260.325. 1. The executive board of each district shall submit to the department a plan which has been approved by the council for a solid waste management system serving areas within its jurisdiction and shall, from time to time, submit officially adopted revisions of its plan as it deems necessary or the department may require. In developing the district's solid waste management plan, the board shall consider the model

plan distributed to the board pursuant to section 260.225. Districts may contract with a licensed professional engineer or as provided in chapter 70 for the development and submission of a joint plan.

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

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

4. Each plan shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the sole function of separating materials for recycling or resource recovery activities shall not be subject to the fee imposed in this subsection.

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

260.335. 1. Each fiscal year eight hundred thousand dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials. Each fiscal year up to two hundred thousand dollars from the solid waste management fund **may** be used by the department upon appropriation for grants to solid waste management districts for district grants and district operations. Only those solid waste management districts that are allocated fewer funds under subsection 2 of this section than if revenues had been allocated based on the criteria in effect in this section on August 27, 2004, are eligible for these grants. An eligible district shall receive a proportionate share of these grants based on that district's share of the total reduction in funds for eligible districts calculated by comparing the amount of funds allocated under subsection 2 of this section with the amount of funds that would have been allocated using the criteria in effect in this section on August 27, 2004. The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

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

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

(2) Sixty-one percent of the revenues, except any annual increases in the charge under section 260.330 during October 1, 2005, to October 1, [2014] **2027**, which shall be used solely to fund the operating costs of the department, shall be allocated [through grants, upon appropriation, to participating cities, counties, and] **to solid waste management** districts. Revenues to be allocated under this subdivision shall be divided as follows: forty percent shall be allocated based on the population of each district in the latest decennial census, and sixty percent shall be allocated based on the amount of revenue generated within each district. For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. No more than fifty percent of the revenue allocable under this subdivision may be

allocated to the districts upon approval of the department for implementation of a solid waste management plan and district operations, and at least fifty percent of the revenue allocable to the districts under this subdivision shall be allocated to the cities and counties of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties. Each district shall receive a minimum of seventy-five thousand dollars under this subdivision. After August 28, [2005] **2015**, each district shall receive a minimum of ninety-five thousand dollars under this subdivision for district grants and district operations. Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department. Moneys shall be awarded based upon grant applications. **The following criteria may be considered to establish the order of district grant priority:**

- (a) Grants to facilities of organizations employing individuals with disabilities under sections 178.900 to 178.960 or sections 205.968 to 205.972;**
- (b) Grants for proposals that will promote and maximize the sharing of district resources;**
- (c) Grants for proposals which provide methods of recycling and solid waste reduction; and**
- (d) All other grants.**

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

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

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

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

3. In addition to the criteria listed in this section, the advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

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

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

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

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

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

- (1) The efficacy of its technical assistance program;
- (2) Solid waste management problems experienced by solid waste management districts;

- (3) The effects of proposed rules and regulations upon solid waste management within the districts;
- (4) Criteria to be used in awarding grants pursuant to section 260.335;
- (5) Waste management issues pertinent to the districts;
- (6) The development of improved methods of solid waste minimization, recycling and resource recovery; [and]
- (7) **Unfunded solid waste management projects; and**
- (8) Such other matters as the advisory board may determine.

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

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

Further amend the title and enacting clause accordingly.

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

Senator Romine offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 92, Page 63, Section 643.078, Line 10, of said page, by striking the opening bracket “[“ and the closing bracket “]” from said line; and further amend said line, by striking all of the underlined language from said line and inserting in lieu thereof the following: “, **or renewed**”; and further amend line 11 of said page, by striking the word “revoked”; and further amend said line, by striking the opening bracket “[“; and further amend line 12 of said page, by striking the closing bracket “]”.

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

Senator Brown offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 92, Page 88, Section 644.056, Line 25, of said page, by inserting after all of said line the following:

“644.145. 1. When issuing permits under this chapter that incorporate a new requirement for discharges from publicly owned combined or separate sanitary or storm sewer systems or **water or sewer** treatment works, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. Section 1251, et seq., pertaining to any portion of a publicly owned combined or separate sanitary or storm sewer system or **water or sewer** treatment works, the department of natural resources shall make a finding

of affordability on the costs to be incurred and the impact of any rate changes on ratepayers upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act.

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

(a) Issuing collection system extension permits;

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

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

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

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

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

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

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

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

- (1) A community's financial capability and ability to raise or secure necessary funding;
 - (2) Affordability of pollution control options for the individuals or households at or below the median household income level of the community;
 - (3) An evaluation of the overall costs and environmental benefits of the control technologies;
 - (4) Inclusion of ongoing costs of operating and maintaining the existing wastewater collection and treatment system, including payments on outstanding debts for wastewater collection and treatment systems when calculating projected rates;
 - (5) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low- and fixed-income populations. This requirement includes but is not limited to:
 - (a) Allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and
 - (b) Allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained;
 - (6) An assessment of other community investments and operating costs relating to environmental improvements and public health protection;
 - (7) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards; and
 - (8) An assessment of any other relevant local community economic condition.
5. Prescriptive formulas and measures used in determining financial capability, affordability, and thresholds for expenditure, such as median household income, should not be considered to be the only indicator of a community's ability to implement control technology and shall be viewed in the context of other economic conditions rather than as a threshold to be achieved.
6. Reasonable time spent preparing draft affordability findings, allowing permittees to review draft affordability findings or draft permits, or revising draft affordability findings, shall be allowed in addition to the department's deadlines for making permitting decisions pursuant to section 644.051.
7. If the department of natural resources fails to make a finding of affordability where required by this section, then the resulting permit or decision shall be null, void and unenforceable.
8. The department of natural resources' findings under this section may be appealed to the commission pursuant to subsection 6 of section 644.051.
9. The department shall file an annual report by the beginning of the fiscal year with the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the chairs of the committees in both houses having primary jurisdiction over natural resource issues showing at least the following information on the findings of affordability completed in the previous calendar year:

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

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

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

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

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

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

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

Further amend the title and enacting clause accordingly.

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

Senator Kehoe moved that **SS** for **HB 92**, as amended, be adopted, which motion prevailed.

On motion of Senator Kehoe, **SS** for **HB 92**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson

Wieland—33

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senators—None

Vacancies—None

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.

HB 1149, introduced by Representative Lauer, with **SCS**, entitled:

An Act to repeal sections 219.011, 219.021, and 219.091, RSMo, and to enact in lieu thereof four new

sections relating to the division of youth services.

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

SCS for **HB 1149**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1149

An Act to repeal sections 219.011, 219.021, and 219.091, RSMo, and to enact in lieu thereof four new sections relating to the division of youth services.

Was taken up.

Senator Romine moved that **SCS** for **HB 1149** be adopted, which motion prevailed.

Having voted on the prevailing side, Senator Schaaf moved that the vote by which **SCS** for **HB 1149** was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson	Wieland—32

NAYS—Senator LeVota—1

Absent—Senator Schmitt—1

Absent with leave—Senators—None

Vacancies—None

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1149, Pages 8-9, Section 219.095, Lines 76-95, by striking all of said lines; and further amend said section by renumbering the remaining subsection accordingly.

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

Senator Romine moved that **SCS** for **HB 1149**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **HB 1149** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh

Wasson Wieland—34

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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 **HB 618**, with **SCS**, entitled:

An Act to repeal sections 194.119 and 214.208, RSMo, and to enact in lieu thereof two new sections relating to human remains.

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

SCS for **HCS** for **HB 618**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 618

An Act to repeal sections 193.015, 193.145, 194.119, and 214.208, RSMo, and to enact in lieu thereof four new sections relating to human remains.

Was taken up.

Senator Wasson moved that **SCS** for **HCS** for **HB 618** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **HCS** for **HB 618** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 385, entitled:

An Act to repeal section 339.010, RSMo, and to enact in lieu thereof one new section relating to real estate transactions.

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

On motion of Senator Schaefer, **HCS for HB 385** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 522, introduced by Representative Cookson, **HB 34**, introduced by Representative Walker, **HB 133**, introduced by Representative Rowland, **HB 134**, introduced by Representative Rowland, **HB 810**, introduced by Representative Miller, **HB 338**, introduced by Representative McGaugh and **HB 873**, introduced by Representative Johnson, with **SCS**, entitled respectively:

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

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

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

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

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

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

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

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

SCS for HB 522, HB 34, HB 133, HB 134, HB 810, HB 338 and HB 873, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 522,
HOUSE BILL NO. 34,
HOUSE BILL NO. 133
HOUSE BILL NO. 134,
HOUSE BILL NO. 810
HOUSE BILL NO. 338
AND
HOUSE BILL NO. 873

An Act to repeal section 227.297, RSMo, and to enact in lieu thereof nine new sections relating to bridge and highway designations.

Was taken up.

Senator Libla moved that **SCS for HB 522, HB 34, HB 133, HB 134, HB 810, HB 338 and HB 873** be adopted, which motion prevailed.

On motion of Senator Libla, **SCS for HB 522, HB 34, HB 133, HB 134, HB 810, HB 338 and HB 873** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Hegeman	Holsman
Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf	Schaefer
Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh	Wasson

Wieland—33

NAYS—Senator Emery—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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.

HB 616, introduced by Representative Dohrman, entitled:

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment in newly created political subdivisions.

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

Senator Kraus offered **SS** for **HB 616**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 616

An Act to amend chapter 137, RSMo, by adding thereto two new sections relating to assessment of property taxes.

On motion of Senator Kraus, **SS** for **HB 616** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	LeVota	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Silvey	Wallingford	Walsh
Wasson	Wieland—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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.

REFERRALS

President Pro Tem Dempsey referred **HCS** for **HB 538**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 35**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to public assistance.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended and House Amendment Nos. 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 35, Page 1, Section 208.065 , Line 5, by deleting all of said line and inserting in lieu thereof the following: “**program; child care**”; and

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

HOUSE AMENDMENT NO. 2

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

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

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

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

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

2. An individual, store owner or proprietor of an establishment shall not knowingly accept TANF cash assistance or supplementary nutrition assistance program (SNAP) funds held on electronic benefit transfer cards for the purchase of alcoholic beverages, lottery tickets, **pornography**, or tobacco products or for use in any electronic benefit transfer transaction in any liquor store, casino, gambling casino, or gaming establishment, any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any place for the purchase of alcoholic beverages, lottery tickets, **pornography**, or tobacco products or for any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household. No store owner or proprietor of any liquor store, casino, gambling casino, gaming establishment, or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment shall adopt any policy, either explicitly or implicitly, which encourages, permits, or acquiesces in its employees knowingly accepting electronic benefit transfer cards in violation of this section. This section shall not be construed to require any store owner or proprietor of an establishment which is not a liquor store, casino, gambling casino, gaming establishment, or retail establishment which provides adult-oriented entertainment in which performers disrobe or perform

in an unclothed state for entertainment to check the source of payment from every individual who purchases alcoholic beverages, lottery tickets, tobacco products, or any item the department determines by rule is primarily marketed for or used by adults eighteen or older and is not in the best interests of the child or household. An individual, store owner or proprietor of an establishment who knowingly accepts electronic benefit transfer cards in violation of this section shall be punished by a fine of not more than five hundred dollars for the first offense, a fine of not less than five hundred dollars nor more than one thousand dollars for the second offense, and a fine of not less than one thousand dollars for the third or subsequent offense.

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

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

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

6. For purposes of this section:

(1) The following terms shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSE AMENDMENT NO. 4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) **“Telehealth”, the same meaning as such term is defined in section 208.670. Telehealth shall include the use of asynchronous store-and-forward technology for orthopedics, dermatology,**

ophthalmology in cases of diabetic retinopathy, burn and wound care, and maternal-fetal medicine ultrasounds;

(9) “Treating provider”, a provider who:

(a) Evaluates a patient;

(b) Determines the need for a consultation;

(c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment;

(d) Provides or supplements the patient’s history and provides pertinent physical examination findings and medical information to the consulting provider; and

(e) Is physically present in the same location as the patient during the time of the asynchronous store-and-forward services.

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

(1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;

(2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;

(3) Time lines for completion and communication of a consulting provider’s consultation or opinion, or if the consulting provider is unable to render an opinion, time lines for communicating a request for additional information or that the consulting provider declines to render an opinion;

(4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;

(5) Security and privacy of such digital files;

(6) Patient consent for asynchronous store-and-forward services; and

(7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered.

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

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

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

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

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

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

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

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

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

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

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

- (1)** Physicians, assistant physicians, and physician assistants;
- (2)** Advanced practice registered nurses;
- (3)** Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;

- (4) Psychologists and provisional licensees;**
- (5) Pharmacists;**
- (6) Speech, occupational, or physical therapists;**
- (7) Clinical social workers;**
- (8) Podiatrists;**
- (9) Licensed professional counselors; or**

(10) Eligible health care providers under subdivisions (1) through (9) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.

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

- (1) Office of a physician or health care provider;**
- (2) Hospital;**
- (3) Critical access hospital;**
- (4) Rural health clinic;**
- (5) Federally qualified health center;**
- (6) Long-term care facility licensed under chapter 198;**
- (7) Dialysis center;**
- (8) Missouri state habilitation center or regional office;**
- (9) Community mental health center;**
- (10) Missouri state mental health facility;**
- (11) Missouri state facility;**

(12) Missouri residential treatment facility licensed by and under contract with the children’s division (CD) that has a contract with the CD. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are enrolled MO HealthNet providers shall be consulting providers at these locations;

- (13) Comprehensive substance treatment and rehabilitation (CSTAR) program;**
- (14) School;**
- (15) The MO HealthNet recipient’s home; or**

(16) Clinical designated area in a pharmacy.

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

208.686. 1. Subject to appropriations, the department shall establish a statewide program that permits reimbursement under the MO HealthNet program for home telemonitoring services. For the purposes of this section, “home telemonitoring service” shall mean a health care service that requires scheduled remote monitoring of data related to a patient’s health and transmission of the data to a Utilization Review Accreditation Commission (URAC) accredited health call center.

2. The program shall:

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

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

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

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

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

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

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

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

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

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

6. The department shall promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.”; and

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

HOUSE AMENDMENT NO. 5

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

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

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

HOUSE AMENDMENT NO. 6

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

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

2. The committee shall consist of the following members:

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

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

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

3. The committee shall:

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

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

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

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

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

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

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

3. The provisions of this section shall expire on January 30, 2020.”; and

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

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 adopted the Conference Committee Report on **SCS** for **HCS** for **HB 42**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 42**.

Emergency clause adopted.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HB 152**, as amended. Representatives: Haahr, Cornejo, Austin, McCreery and LaFaver.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **SCS** for **HB 615**. Representatives: Dohrman, Gosen, Austin, Webber and McManus.

PRIVILEGED MOTIONS

Senator Pearce, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 42** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 42

The Conference Committee appointed on the Senate Committee Substitute for House Committee Substitute for House Bill No. 42, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amend No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended, Senate Amendment No. 6, and Senate Amendment No. 7 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 42, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 42;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 42, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Mike Cierpiot
/s/ Mike Lair
/s/ David Wood
/s/ Courtney Allen Curtis
Tommie Pierson

FOR THE SENATE:

/s/ Ed Emery
/s/ David Pearce
/s/ Eric Schmitt
/s/ Maria Chappelle-Nadal
/s/ Jason Holsman

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

YEAS—Senators

Brown	Chappelle-Nadal	Dempsey	Dixon	Emery	Keaveny	Kehoe	Munzlinger
Nasheed	Onder	Parson	Pearce	Richard	Riddle	Sater	Schaaf
Schaefer	Schmitt	Sifton	Wieland—20				

NAYS—Senators

Cunningham	Curls	Hegeman	Holsman	Kraus	LeVota	Libla	Romine
Schatz	Schupp	Silvey	Wallingford	Walsh	Wasson—14		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Pearce, **CCS** for **SCS** for **HCS** for **HB 42**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 42

An Act to repeal sections 163.011 and 163.031 as enacted by house bill no. 1689, ninety-seventh general assembly, second regular session, and sections 160.011, 160.400, 160.403, 160.405, 160.410, 160.415,

160.417, 160.425, 162.081, 162.1250, 163.018, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof fifty-one new sections relating to elementary and secondary education, with an emergency clause.

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

YEAS—Senators

Brown	Chappelle-Nadal	Dempsey	Dixon	Emery	Keaveny	Kehoe	Libla
Munzlinger	Nasheed	Onder	Parson	Pearce	Richard	Riddle	Sater
Schaaf	Schaefer	Schatz	Schmitt	Sifton	Silvey	Wieland—23	

NAYS—Senators

Cunningham	Curls	Hegeman	Holsman	Kraus	LeVota	Romine	Schupp
Wallingford	Walsh	Wasson—11					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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	Hegeman
Keaveny	Kehoe	Libla	Munzlinger	Nasheed	Onder	Parson	Pearce
Richard	Riddle	Sater	Schaaf	Schaefer	Schatz	Schmitt	Sifton
Silvey	Wallingford	Wieland—27					

NAYS—Senators

Holsman	Kraus	LeVota	Romine	Schupp	Walsh	Wasson—7	
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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.

Senator Wallingford moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 35**, 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.

REPORTS OF STANDING COMMITTEES

Senator Pearce, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1127**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schmitt, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following report:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 185**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schaaf, Chairman of the Committee on General Laws and Pensions, submitted the following report:

Mr. President: Your Committee on General Laws and Pensions, to which was referred **HB 494**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 982**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wasson, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 64**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 341**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 218**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 734**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1019**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Parson, Chairman of the Committee on Small Business, Insurance and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 1010**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industry, to which was referred **HB 276**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kraus, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 117**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 101**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 1305**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Libla, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS for HB 1002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS** for **HB 635**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 675**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 210**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 278**, as amended: Senators Schatz, Libla, Kehoe, Chappelle-Nadal and Curls.

President Pro Tem Dempsey reappointed the following conference committee to act with a like committee from the House on **HCS** for **SB 13**, as amended: Senators Munzlinger, Pearce, Onder, Chappelle-Nadal and Walsh.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 152**, as amended: Senators Wallingford, Romine, Libla, Sifton and Holsman.

RESOLUTIONS

Senator Walsh offered Senate Resolution No. 1047, regarding Ruth Gannaway, St. Louis, which was adopted.

Senator Brown offered Senate Resolution No. 1048, regarding Lidia Collins, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senators Parson and Pearce, the President introduced to the Senate, Keelly Jones, Sedalia.

Senator Nasheed introduced to the Senate, Matthew Smith.

On behalf of Senator Pearce, the President introduced to the Senate, Administrator Kirk Thacker, teacher Brent Fleshman, and fourth grade students, Kylee Wheeler, Zavier Toler, Dalton Thacker, Ethan Polk, Hayley Minor, Kaylee McMillan, Mason McGulley, Chelsea Gant, Will Krier, J.W. Doyle, Corbin Barrett and Ben Barnett, Hardin Elementary School.

Senator Curls introduced to the Senate, Matt Helfant and Alesha Williams, Columbia.

Senator Parson introduced to the Senate, Patti Hutton, David Ochs, and twenty-six eighth grade students from Weaubleau R-III School.

Senator Kehoe introduced to the Senate, Father Stephen Jones, President, Helias Catholic High School, Jefferson City.

Senator Kehoe introduced to the Senate, Travis Reynders, Jefferson City.

Senator Schupp introduced to the Senate, Katie Walkley.

Senator Schaaf introduced to the Senate, John Pudner, Auburn, Alabama.

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

SENATE CALENDAR

SIXTY-FOURTH DAY—WEDNESDAY, MAY 6, 2015

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 1, 22, 49 & 70-Pearce
(In Fiscal Oversight)

SCS for SB 56-Munzlinger (In Fiscal Oversight)

SS for SB 201-Dixon (In Fiscal Oversight)

SB 203-Dixon (In Fiscal Oversight)

SB 352-Schaefer (In Fiscal Oversight)

SS for SB 540-Libla

(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

1. HCS for HB 882-McGaugh, with SCS
(Munzlinger) (In Fiscal Oversight)

2. HCS for HBs 578, 574 & 584, with SCS
(Riddle) (In Fiscal Oversight)

3. HB 279-Cornejo, with SCS (Schmitt)
(In Fiscal Oversight)

4. HB 100-Gosen, with SCS (Parson)
(In Fiscal Oversight)

5. HB 799-Roeber, with SCS (Dixon)
(In Fiscal Oversight)

6. HB 529-Gosen, with SCS (Parson)
(In Fiscal Oversight)

7. HB 1070-Davis, with SCS (Brown)
(In Fiscal Oversight)

8. HCS for HB 714 (Wallingford)
(In Fiscal Oversight)

9. HCS for HB 796, with SCS (Sater)
(In Fiscal Oversight)

10. HCS for HB 976, with SCS (Sater)
(In Fiscal Oversight)

11. HCS for HB 137 (Silvey)
(In Fiscal Oversight)

12. HCS for HB 807, with SCS (Dixon)
(In Fiscal Oversight)

13. HB 254-Crawford, with SCS (Parson)
(In Fiscal Oversight)

14. HCS for HB 811, with SCS (Riddle)
(In Fiscal Oversight)

15. HB 32-Hoskins (Pearce)
(In Fiscal Oversight)

16. HB 1127-Johnson, with SCS (Hegeman)

17. HB 185-Love

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|--|---------------------------------------|
| 18. HCS for HB 17, with SCS (Schaefer) | 28. HB 1010-Brown (57) (Munzlinger) |
| 19. HCS for HB 18, with SCS (Schaefer) | 29. HB 276-Cornejo, with SCS (Onder) |
| 20. HCS for HB 19, with SCS (Schaefer) | 30. HCS for HB 117 (Dixon) |
| 21. HB 494-Leara (Kehoe) | 31. HB 101-Redmon (Libla) |
| 22. HB 982-Rowden | 32. HB 1305-Rowden |
| 23. HB 64-Dugger (Cunningham) | 33. HCS for HB 1002, with SCS (Kehoe) |
| 24. HB 341-Dugger (Kraus) | 34. HCS for HB 635 (Dixon) |
| 25. HB 218-Wilson, with SCS (Dixon) | 35. HB 675-Rowden (Libla) |
| 26. HCS for HB 734, with SCS | 36. HB 210-Conway (104) |
| 27. HCS for HB 1019, with SCS | |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SB 475-Dempsey

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 17-Dixon | SB 227-Emery, with SS (pending) |
| SB 37-Romine, with SCS & SA 1 (pending) | SB 232-Kehoe, with SCS (pending) |
| SB 44-Nasheed, with SCS, SS for SCS & SA 1 (pending) | SB 233-Kehoe, with SCS & SA 2 (pending) |
| SB 46-Holsman | SB 266-Schaefer, with SCS |
| SB 53-Schaaf, with SS#2 (pending) | SB 267-Schaefer, with SCS |
| SB 55-Munzlinger | SB 268-Pearce, with SCS |
| SB 59-Dixon | SB 286-Schaaf and Silvey |
| SB 69-LeVota, with SCS | SB 299-Pearce |
| SB 80-Dixon, with SCS | SB 302-Riddle, with SCS (pending) |
| SB 91-Dixon, with SCS | SB 304-Keaveny, with SCS |
| SBs 112, 212, 143 & 234-Dixon, with SCS | SB 305-Onder |
| SB 117-Brown, with SCS | SB 313-Wallingford, with SCS |
| SB 127-Brown, with SCS | SBs 331 & 21-Libla, with SCS & SS for SCS (pending) |
| SB 130-Walsh and Schupp, with SCS | SB 339-Munzlinger, with SS (pending) |
| SB 151-Sater | SB 358-Kehoe |
| SB 159-Parson | SB 360-Parson, with SCS |
| SB 167-Schaaf, with SCS | SB 371-Munzlinger |
| SB 177-Munzlinger, with SCS | SB 372-Keaveny, with SCS (pending) |
| SB 220-Kehoe | SB 374-Schatz, with SCS |
| SB 225-Romine, with SCS | SB 399-Onder |

SB 400-Onder, with SS (pending)	SB 455-Kehoe
SB 409-Wallingford, with SCS	SB 469-Munzlinger
SB 420-Schmitt	SB 471-Schaaf
SB 424-Pearce, with SA 1 (pending)	SB 481-Onder, with SCS
SB 427-Sifton, with SCS	SB 520-Kehoe, with SCS
SB 432-Onder, with SCS	SB 528-Sater
SB 442-Schaefer	SB 567-Chappelle-Nadal, et al
SBs 451, 307, 100 & 165-Dixon, with SCS	SJR 7-Richard and Wallingford
SB 452-Schmitt, et al, with SA 1 & point of order (pending)	SJR 12-Onder, with SCS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 33, with SCS (Parson)	HB 589-Hough, with SCS (Onder)
HCS for HB 104 (Schaefer)	HCS for HB 592 (Wasson)
HB 108-McCaherty (Dixon)	HCS for HB 613, with SCS (Parson)
HCS for HB 112 (Wasson)	HB 684-Koenig (Dixon)
HCS for HB 119 (Wallingford)	HCS for HB 692, with SCS (Munzlinger)
HB 190-Swan (Wallingford)	HCS for HB 777 (Kraus)
HB 233-Franklin, with SCS (Parson)	HB 808-Cornejo, with SCS (Hegeman)
HB 271-Hoskins (Dixon)	HCS for HB 830, with SCS (Munzlinger)
HCS for HB 299, with SCS (Kraus)	HB 836-Ross (Libla)
HB 336-McGaugh (Kraus)	HCS for HB 864 (Kehoe)
HB 401-Fraker, with SCS (Sater)	HB 923-Miller, with SCS (Kehoe)
HB 440-Koenig (Kraus)	HCS for HB 926 (Cunningham)
HCS for HB 478-Fitzwater (Wallingford)	HCS for HB 1058, with SCS (Brown)
HB 502-Kelley, with SCS (Kraus)	HCS for HB 1063 (Dixon)
HB 523-Burlison, with SCS (Brown)	HCS for HB 1084 (Romine)
HB 533-Dugger, with SCS (Wasson)	HB 1093-Houghton (Riddle)
HCS for HB 538, with SCS (Brown) (In Fiscal Oversight)	HJR 1-Dugger (Kraus)
HB 562-Davis (Wasson)	HCS for HJR 34, with SCS (Schmitt)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 156-Nasheed, with HCS, as amended	SB 244-Schmitt, with HCS
SB 164-Sifton, with HCS	SCS for SB 341-Riddle, with HCS, as amended
SCS for SB 210-Schaefer, with HCS, as amended	SCS for SB 345-Wasson, with HA 1
SB 221-Schatz, with HCS	

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

SS for SCS for SB 5-Schmitt, with HCS, as amended	SS for SCS for SB 278-Schatz, with HCS, as amended
SS#2 for SCS for SB 11-Richard, with HA 1, HA 2, as amended, HA 3, as amended & HA 4	SB 282-Parson, with HCS, as amended SB 283-Kehoe, with HCS, as amended
SB 13-Munzlinger, with HCS, as amended	SCS for SB 300-Silvey, with HCS, as amended
SS for SCS for SB 67-Cunningham, with HCS, as amended	SCS for SB 445-Romine, with HCS, as amended
SB 104-Kraus, with HCS, as amended (House grants further conference)	SB 446-Schupp and Brown, with HA 1 & HA 2, as amended
SS for SCS for SB 115-Kraus, with HCS, as amended	SCS for SB 473-Schaaf, with HCS, as amended
SCS for SB 152-Wallingford, with HCS, as amended (House grants further conference)	HB 152-Haahr, with SCS, as amended (Onder)
SCS for SB 172-Romine, with HCS, as amended	HB 458-Allen, with SS for SCS, as amended (Schmitt)
SB 254-Kraus, with HCS, as amended	HB 615-Dohrman, with SCS (Schatz)
SCS for SB 270-Nasheed, with HCS, as amended	

Requests to Recede or Grant Conference

SCS for SB 35-Wallingford, with HCS, as
amended (Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 39-Dixon and Holsman
SCR 40-Romine
HCR 18-McCann (Curls)

HCR 26-Shull
HCS for HCR 32 (Romine)
HCR 34-Rowland (Cunningham)

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