

# Journal of the Senate

FIRST REGULAR SESSION

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**SIXTY-FIFTH DAY—THURSDAY, MAY 7, 2015**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Meekness is the greatest of virtues.” (Talmud 20b)

Heavenly Father, we know that meekness is the quiet strength that comes from commitment to You and what is important in our lives and the values we hold. It is important then that we truly are meek in ourselves so that the way we live and handle the various stresses we encounter comes from this core belief. Help us Lord God to make this happen. 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.

Senator Richard requested unanimous consent of the Senate to correct the Senate Journal for Tuesday, May 5, 2015, Page 1480, by deleting lines 26-29.

Also,

Page 1483, Line 9, by deleting “Wasson”, and inserting in lieu thereof “Parson”;

Line 22, by deleting “Wasson”, and inserting in lieu thereof “Parson”;

Line 23, by deleting “Wasson”, and inserting in lieu thereof “Parson”.

Also,

Page 1508, Lines 22-23, by deleting said lines and inserting in lieu thereof:

“be adopted.

Senator Libla offered **SS** for **SCS** for **HBs 522, 34, 133, 134, 810, 338 and 873**, entitled:

SENATE SUBSTITUTE FOR  
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 ten new sections relating to bridge and highway designations.

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

On motion of Senator Libla, **SS** for **SCS** for **HB 522, HB 34, HB 133, HB 134, HB 810, HB 338 & HB 873**".

Which request was granted.

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 Parson offered Senate Resolution No. 1068, regarding Jim Hamilton, which was adopted.

Senator Parson offered Senate Resolution No. 1069, regarding David S. Derks, Warsaw, which was adopted.

Senator Kehoe offered Senate Resolution No. 1070, regarding Merrell University of Beauty Arts and Science, which was adopted.

Senator Kehoe offered Senate Resolution No. 1071, regarding Joe Herx, Jefferson City, which was adopted.

Senator Wasson offered Senate Resolution No. 1072, regarding Sucker Day 2015, Nixa, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

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

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

Deborah Curtis, Independent, as a member of the Missouri Charter Public School Commission;

Also,

Christopher W. Hughes, as a member of the Sentencing and Corrections Oversight Commission; and

John B. Heskett, as a member of the Children's Trust Fund Board.

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

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

### **HOUSE BILLS ON THIRD READING**

**HB 675**, introduced by Representative Rowden, entitled:

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to municipal commercial zones.

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

Senator Libla offered **SS** for **HB 675**, entitled:

#### **SENATE SUBSTITUTE FOR HOUSE BILL NO. 675**

An Act to repeal section 304.190, RSMo, and section 142.803 as enacted by house bill no. 2141, ninety-seventh general assembly, second regular session, and to enact in lieu thereof two new sections relating to transportation.

Senator Libla moved that **SS** for **HB 675** be adopted.

Senator Schaaf raised the point of order that **SS** for **HB 675** is out of order in that it goes beyond the scope and purpose of the original bill. The point of order was referred to the President Pro Tem who took it under advisement, which placed **HB 675**, with **SS** and the point of order (pending), back on the Informal Calendar.

**HCS** for **HB 137**, entitled:

An Act to repeal sections 34.040 and 136.055, RSMo, and to enact in lieu thereof two new sections relating to competitive bidding, with an emergency clause.

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

Senator Silvey offered **SS** for **HCS** for **HB 137**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 137

An Act to repeal sections 34.040 and 136.055, RSMo, and to enact in lieu thereof two new sections relating to competitive bidding, with an emergency clause.

Senator Silvey moved that **SS** for **HCS** for **HB 137** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 137, Page 4, Section 34.040, Line 18 of said page, by inserting after all of said line the following:

“67.617.1. Each regional convention and visitors commission shall, before the second Monday in October, make an annual report to the chief executive officers and governing bodies of the city and county, respectively, and to the general assembly stating the condition of the commission on the first day of July of that year, and the various sums of money received and distributed by it during the preceding calendar year. The fiscal year for each regional convention and visitors commission shall begin on the first day of July and end on the thirtieth day of June of the following calendar year.

2. Before the close of the first fiscal year of such commission, and at the close of every third fiscal year thereafter, the chief executives of the city and county, jointly, shall appoint one or more certified public accountants, who shall annually examine the books, accounts, and vouchers of the regional convention and visitors commission, and who shall make due report thereof to the chief executives and the board of the district. The commission shall produce and submit to the accountants for examination all books, papers, documents, vouchers, and accounts of their office belonging or pertaining to the office, and shall in every way assist the accountants in their work. In the report to be made by the accountants they may make any recommendation they deem proper as to the business methods of the officers and employees. A reasonable compensation for the services of the accountants shall be paid by the commission.

**3. In addition to the exceptions available under sections 610.010 to 610.225, the leases, agreements, contracts, or subleases, and any amendments thereto, for space, usage, or services in any convention center or related facilities owned or operated by a regional convention and visitors commission, or any drafts or unexecuted versions of such documents, shall not be considered public records within the meaning of subdivision (6) of section 610.010, when, in the reasonable judgment of the commission, the disclosure of the information in the records may endanger the competitiveness of the business or prospects of the commission or provide an unfair advantage to its competitors; provided, however, that the foregoing may not be deemed to include any leases, agreements, contracts, or subleases involving a professional sports franchise.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Kehoe assumed the Chair.

Senator Dixon assumed the Chair.

Senator Holsman offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 137, Page 6, Section 136.055, Line 1, by inserting after the word “districts.” the following:

“Any fee office contract awarded to a municipality under this subsection shall be for a period of no less than eight years.”.

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

Senator Silvey moved that SS for HCS for HB 137, as amended, be adopted, which motion prevailed.

On motion of Senator Silvey, SS for HCS for HB 137, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	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—33

NAYS—Senators—None

Absent—Senator Cunningham—1

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
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

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

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

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

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 210**, as amended: Senators Schaefer, Schaaf, Onder, LeVota and Curls.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 221**: Senators Schatz, Schmitt, Romine, Chappelle-Nadal and Walsh.

On motion of Senator Richard, the Senate recessed until 1:00 p.m.

### RECESS

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

President Pro Tem Dempsey ruled the pending point of order raised by Senator Schaaf on **HB 675**, with **SS**, not well taken.

Senator Schaaf rose to appeal the ruling made by the President Pro Tem of the Senate on the point of order.

At the request of Senator Schaaf, the appeal of the ruling on the point of order was withdrawn.

### HOUSE BILLS ON THIRD READING

**HB 675**, with **SS** (pending), was again taken up.

Senator Kehoe assumed the Chair.

Senator Romine assumed the Chair.

Senator Schaaf offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 675, Page 1, In the Title, Line 5, of the title, by inserting immediately after “transportation” the following: “, with a referendum clause”; and

Further amend said bill, page 7, section 304.190, line 23 of said page, by inserting after all of said line the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2016, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

Section C. Pursuant to section 116.155, RSMo, and other applicable constitutional provisions and laws of this state authorizing the general assembly to adopt ballot language for the submission of this act to the

voters of this state, the official summary statement of the amendment proposed in section A shall be as follows:

“Shall a tax be imposed to generate eighty million dollars for distribution to the state road fund and local governments and also be adjusted for inflation each year without a vote of the people?””.

Senator Schaaf moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brown, Emery, Keaveny and Libla.

Senator Kraus assumed the Chair.

At the request of Senator Libla, **HB 675**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 474**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 458**, entitled:

An Act to repeal sections 195.070, 301.142, 334.037, 334.040, 334.104, 334.747, 336.115, 338.200, 338.270, and 338.347, RSMo, and to enact in lieu thereof thirteen new sections relating to health care.

With House Amendment No. 1.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 458, Page 20, Section 336.115, Lines 1-22, by removing all of said section and lines from the bill; and

Further amend said bill, Page 21, Section 338.200, Line 15, by deleting said line and inserting in lieu thereof the following “**under section 338.200 shall be determined by a pharmacist licensed by the board**”; and

Further amend said bill, Page 22, Section 376.379, Lines 12-14, by deleting all of said lines and inserting in lieu thereof the following:

“**medication synchronization services offered under the health benefit plan; and**”; and

Further amend said bill, Page 23, Section 376.388, Line 30, by deleting the word “**within**” and inserting in lieu thereof the words “**at least every**”; and

Further amend said bill, page, and section, Lines 34 through 35, by deleting all of said lines and inserting in lieu thereof the following:

“**maximum allowable cost pricing which has been updated to reflect market pricing at least every seven days as set forth in subdivision (1) of subsection 2 of this section.**”; and

Further amend said bill and section, Page 24, Line 47, by deleting the words, “**health carrier or**”; and

Further amend said bill, page and section, Line 49, by deleting the words, “**health carrier or**”; and

Further amend said bill, page and section, Line 54, by deleting the words, “**health carrier or**”; and  
 Further amend said bill, page and section, Line 59, by deleting the words, “**health carrier or**”; and  
 Further amend said bill, page and section, Lines 67-71, by deleting all of said lines; and  
 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
 In which the concurrence of the Senate is respectfully requested.

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 230**, entitled:

An Act to repeal sections 191.332, 192.020, 192.667, 208.670, 301.142, and 324.001, RSMo, and to enact in lieu thereof twelve new sections relating to health care.

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

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 11, Section 192.667, Line 217, by inserting after all of said section and line the following:

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

(1) **“Administer”, the direct application of an epinephrine auto-injector to the body of an individual;**

(2) **“Authorized entity”, any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present, including but not limited to restaurants, recreation camps, youth sports leagues, amusement parks, and sports arenas;**

(3) **“Caretaker”, a person or entity under whose care a child has been entrusted by such child’s parent or guardian for consideration;**

(4) **“Epinephrine auto-injector”, a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;**

(5) **“Physician”, a physician licensed in this state under chapter 334;**

(6) **“Provide”, the supply of one or more epinephrine auto-injectors to an individual;**

(7) **“Self-administration”, a person’s discretionary use of an epinephrine auto-injector.**

**2. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense epinephrine auto-injectors under a prescription issued in the name of an authorized entity.**

**3. An authorized entity may acquire and stock a supply of epinephrine auto-injectors under a prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector’s instructions for use and any additional requirements established by the department of**

health and senior services by rule. An authorized entity shall designate employees or agents who have completed the training required under this section to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

4. An employee or agent of an authorized entity or any other person who has completed the training required under this section may use epinephrine auto-injectors prescribed under this section on the premises of or in connection with the authorized entity to:

(1) Provide an epinephrine auto-injector to any individual who the employee, agent, or other person believes in good faith is experiencing anaphylaxis for immediate self-administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy;

(2) Administer an epinephrine auto-injector to any individual who the employee, agent, or other person believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

5. Notwithstanding the provisions of subsection 4 of this section, an employee or agent of an authorized entity shall not provide or administer an epinephrine auto-injector to any individual who is twelve years of age or younger without the verbal consent of a parent or guardian who is present at the time when provision or administration of the epinephrine auto-injector is needed. Provided, however, that an employee or agent of an authorized entity may provide or administer an epinephrine auto-injector to such an individual without the consent of a parent or guardian if the parent or guardian is not physically present and the employee or agent reasonably believes the individual shall be in imminent danger without the provision or administration of the epinephrine auto-injector.

6. An employee, agent, or other person described in subsection 4 of this section shall successfully complete an anaphylaxis training program prior to providing or administering an epinephrine auto-injector made available by an authorized entity and at least every two years following successful completion of the initial anaphylaxis training program. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or other entity or person approved by the department of health and senior services. Training may be conducted online or in person and, at a minimum, shall cover:

(1) Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis;

(2) Standards and procedures for the storage and administration of an epinephrine auto-injector;  
and

(3) Emergency follow-up procedures.

The entity that conducts the training shall issue a certificate, on a form developed or approved by the department of health and senior services, to each person who successfully completes the anaphylaxis training program.

7. The following persons and entities shall not be liable for any injuries or related damages that result from the administration of, self-administration of, or failure to administer an epinephrine auto-injector in accordance with this section that may constitute ordinary negligence:

(1) An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other trained persons;

- (2) Any person who uses an epinephrine auto-injector made available under this section;
- (3) A physician that prescribes epinephrine auto-injectors to an authorized entity; or
- (4) Any person or entity that conducts the training described in subsection 6 of this section.

Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of others or willful or wanton conduct. The administration of an epinephrine auto-injector in accordance with this section shall not be considered the practice of medicine. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under section 537.037. An authorized entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or agent are not liable for such injuries or related damages under the laws of the state in which such provision or administration occurred.

8. No immunity provided under this section shall apply to a caretaker if the individual who experienced anaphylaxis:

- (1) Was a minor child;
- (2) Had a known allergy at the time of anaphylaxis;
- (3) Was under the care or supervision of a caretaker other than a parent or guardian;
- (4) Was prescribed an epinephrine auto-injector;
- (5) Was not administered an epinephrine auto-injector by a caretaker; and

(6) Had an epinephrine auto-injector available to him or her at the time of anaphylaxis due to one of following:

(a) The minor child being in possession of his or her epinephrine auto-injector, an epinephrine auto-injector present on the premises where the anaphylaxis occurred, or the caretaker being in possession of an epinephrine auto-injector;

(b) The parent of guardian of the minor child providing an epinephrine auto-injector to the caretaker; or

(c) The caretaker representing to the parent of guardian of the minor child that an epinephrine auto-injector is available on the premises where the anaphylaxis occurred.

9. No immunity provided under this section shall apply to any licensed health care provider if the administration of an epinephrine auto-injector is within his or her scope of practice except when the alleged liability is based upon:

- (1) Such provider's actions in prescribing or dispensing the prescription; or
- (2) Such provider's action in providing training to authorized entities under this section.

10. An authorized entity that possesses and makes available epinephrine auto-injectors shall submit to the department of health and senior services, on a form developed by the department, a report of each incident on the authorized entity's premises involving the administration of an epinephrine auto-injector. The department shall annually publish a report that summarizes all

reports submitted to it under this subsection, but shall not include any identifying information regarding the persons to whom such epinephrine auto-injectors were administered.

**11. An authorized entity that acquires a stock supply of epinephrine auto-injectors under a prescription issued in accordance with this section may make such epinephrine auto-injectors available to individuals other than the trained persons described in subsection 4 of this section if the epinephrine auto-injectors are stored in a locked secure container in accordance with manufacturer specifications and are made available only upon remote authorization by a physician via audio, televideo, or other similar means of electronic communication. Consultation with a physician for such purpose shall not be considered the practice of telemedicine or otherwise be construed as violating any law or rule regulating the physician’s professional practice.”; and**

Further amend said bill, Page 14, Section 208.675, Line 11, by inserting immediately after said line the following:

**“(9) Optometrists;”;** and

Further amend said section by renumbering the subdivisions accordingly; 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. 230, Page 3, Section 192.380, Line 36, by deleting all of said line and inserting in lieu thereof the following:

**“gynecology, family medicine practicing obstetrics, or pediatrics, at least one of which shall be in active practice in a rural area;”;** and

Further amend said bill and section, Page 4, Line 92, by inserting after all of said line the following:

**“12. The criteria for levels of birthing care developed under subsection 4 of this section shall not include pregnancy termination, or counseling or referral for pregnancy termination.**

**13. All certified professional midwives may consult with and participate in educational opportunities through the regional perinatal center.”;** and

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

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 17, Section 208.686, Line 52, by inserting after all of said section and line the following:

**“208.909. 1. Consumers receiving personal care assistance services shall be responsible for:**

**(1) Supervising their personal care attendant;**

**(2) Verifying wages to be paid to the personal care attendant;**

**(3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to the vendor on a biweekly basis;**

**(4) Allowing the personal care attendant to use his or her telephone for the purpose of electronic**

**visit verification (EVV) if such use does not add cost to the consumer;**

(5) Promptly notifying the department within ten days of any changes in circumstances affecting the personal care assistance services plan or in the consumer's place of residence;

[(5)] (6) Reporting any problems resulting from the quality of services rendered by the personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the department; and

[(6)] (7) Providing the vendor with all necessary information to complete required paperwork for establishing the employer identification number.

2. Participating vendors shall be responsible for:

(1) Collecting time sheets or reviewing reports of delivered services and certifying the accuracy thereof;

(2) The Medicaid reimbursement process, including the filing of claims and reporting data to the department as required by rule;

(3) Transmitting the individual payment directly to the personal care attendant on behalf of the consumer;

(4) Monitoring the performance of the personal care assistance services plan.

3. No state or federal financial assistance shall be authorized or expended to pay for services provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the household unit, or is a household task that the members of the consumer's household may reasonably be expected to share or do for one another when they live in the same household, unless such service is above and beyond typical activities household members may reasonably provide for another household member without a disability.

4. No state or federal financial assistance shall be authorized or expended to pay for personal care assistance services provided by a personal care attendant who is listed on any of the background check lists in the family care safety registry under sections 210.900 to 210.937, unless a good cause waiver is first obtained from the department in accordance with section 192.2495.

5. (1) All vendors shall, by July 1, [2015] **2016**, have, maintain, and use [a telephone tracking] **an EVV** system for the purpose of reporting and verifying the delivery of consumer-directed services as authorized by the department of health and senior services or its designee. Use of such a system prior to July 1, [2015] **2016**, shall be voluntary. The [telephone tracking] **EVV** system shall be used [to process payroll for employees and] for submitting claims for reimbursement to the MO HealthNet division. At a minimum, the [telephone tracking] **EVV** system shall:

(a) Record the exact date services are delivered;

(b) Record the exact time the services begin and exact time the services end;

(c) Verify [the telephone number from which the services are registered] **that the services are being delivered at the location where the consumer resides;**

(d) [Verify that the number from which the call is placed is a telephone number unique to the client;

(e)] Require a personal identification number unique to each personal care attendant;

[(f)] (e) Be capable of producing reports [of services delivered, tasks performed, client] **that at a minimum capture the consumer** identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service[]; and

(g) Be capable of producing reimbursement requests for consumer approval that assures accuracy and compliance with program expectations for both the consumer and vendor.

(2) The department of health and senior services, in collaboration with other appropriate agencies, including centers for independent living, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.

(3)]. (2) As new technology becomes available, the department [may] **shall** allow use of a more advanced tracking system, **electronic or otherwise**, provided that such system is at least as capable of meeting the requirements of this subsection.

[(4)] (3) The department of health and senior services shall promulgate by rule the minimum necessary criteria of the [telephone tracking] **EVV** system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

6. [In the event that a consensus between centers for independent living and representatives from the executive branch cannot be reached, the telephony report issued to the general assembly and governor shall include a minority report which shall detail those elements of substantial dissent from the main report.

7.] No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of [telephony] **EVV** services [nor bear the full cost of the pilot program].”; and

Further amend said bill, Page 28, Section 324.001, Line 181, by inserting after all of said section and line the following:

“660.023. 1. All in-home services provider agencies shall, by July 1, [2015] **2016**, have, maintain, and use [a telephone tracking] **an electronic visit verification (EVV)** system for the purpose of reporting and verifying the delivery of home- and community-based services as authorized by the department of health and senior services or its designee. Use of such system prior to July 1, [2015] **2016**, shall be voluntary. At a minimum, the [telephone tracking] **EVV** system shall:

(1) Record the exact date services are delivered;

(2) Record the exact time the services begin and exact time the services end;

(3) Verify [the telephone number from which the services were registered] **that services are being delivered at the location where the consumer resides;**

(4) [Verify that the number from which the call is placed is a telephone number unique to the client;

(5)] Require a personal identification number unique to each personal care attendant; and

[(6)] **(5)** Be capable of producing reports [of services delivered, tasks performed,] **that at a minimum capture** client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service.

2. The [telephone tracking] **EVV** system shall be used [to process payroll for employees and] for submitting claims for reimbursement to the MO HealthNet division.

3. The department of health and senior services shall promulgate by rule the minimum necessary criteria of the [telephone tracking] **EVV** system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

4. As new technology becomes available, the department [may] **shall** allow use of a more advanced tracking system, **electronic or otherwise**, provided that such system is at least as capable of meeting the requirements listed in subsection 1 of this section.

5. The department of health and senior services, in collaboration with other appropriate agencies, including in-home services providers, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.

6. In the event that a consensus between in-home service providers and representatives from the executive branch cannot be reached, the telephony report issued to the general assembly and governor shall include a minority report which will detail those elements of substantial dissent from the main report.

7. No interested party, including in-home service providers, shall be required to contract with any particular vendor or provider of [telephony] **EVV** services [nor bear the full cost of the pilot program].

Section B. Because immediate action is necessary to ensure that home-based MO HealthNet participants receive necessary personal care assistance services, section 208.909 and 660.023 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 208.909 and 660.023 of section A of this act shall be in full force and effect upon its passage and approval.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 11, Section 192.667, Line 217, by inserting after all of said section and line the following:

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

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

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 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. Subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.”; and**

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 190**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 556**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

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

Bill ordered enrolled.

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 322**, 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 380**, 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 **HA 1**, **HA 2**, to **SCS** for **SB 328** 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 **HCS** for **SCS** for **SB 326**, entitled:

An Act to repeal sections 29.230, 49.060, 50.622, 51.090, 53.010, 54.033, 55.050, 58.040, 59.022, 67.950, 72.418, 105.030, 321.322, 473.730, and 483.020, RSMo, and to enact in lieu thereof twenty-one new sections relating to political subdivisions, with an emergency clause for certain sections.

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

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 326, Page 9, Section 72.418, Lines 15-16, by deleting said lines and inserting in lieu thereof the following:

**“is not completed by August 28, 2015, shall continue to levy and collect taxes in the annexed area as authorized under chapter 321. The annexing city shall not levy or collect any”**; and

Further amend said bill and section, Page 12, Line 116, by inserting immediately after said line the following:

**“7. Notwithstanding any other provision of law to the contrary, if, after the effective date of this section, litigation is filed concerning the validity or constitutionality of subsections 3 and 4 of this section, the annexing city shall continue to pay to the fire protection district the amount required to be paid by the annexing city under subsection 3 or subsection 4 of this section.”; 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. 326, Page 12, Section 72.418, Line 116, by inserting the following after all of said line:

**“94.902. 1. The governing [body] bodies of the following cities may impose a tax as provided in this section:**

**(1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants[, or] ;**

**(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants[, or] ;**

**(3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants[.];**

**(4) Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants; or**

**(5) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants.**

**2. The governing body of any city listed in subsection 1 of this section may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.**

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

Shall the city of ..... (city’s name) impose a citywide sales tax at a rate of ..... (insert rate of percent) percent for the purpose of improving the public safety of the city?

YES

NO

If you are in favor of the question, place an “X” in the box opposite “YES”. If you are opposed to the

question, place an “X” in the box opposite “NO”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

[3.] 4. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state’s general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the “City Public Safety Sales Tax Trust Fund”. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[4.] 5. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

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

Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate

of ..... (insert rate of percent) percent for the purpose of improving the public safety of the city?

YES

NO

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

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

[7.] 8. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 326, Page 9, Section 67.950, Line 79, by inserting after said line the following:

“70.210. As used in sections 70.210 to 70.320, the following terms mean:

(1) “Governing body”, the board, body or persons in which the powers of a municipality or political subdivision are vested;

(2) “Municipality”, municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;

(3) “Political subdivision”, counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, [and] any board of control of an art museum, **the board created under sections 205.968 to 205.973**, and any other public subdivision or public corporation having the power to tax.”; 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. 326, Page 12, Section 72.418, Line 116, by inserting after all of said section and line the following:

“94.360. 1. The council of any incorporated town or city in this state having a special charter and which

contains not more than thirty thousand inhabitants may by ordinance levy and collect a license tax on wholesale houses, auctioneers, architects, druggists, grocers, banks, brokers, wholesale merchants, merchants of all kinds, confectioners, delivery trucks, ice trucks, transfer trucks, laundry wagons, milk wagons, merchant delivery companies, cigar and tobacco stands, hay scales, wood dealers, coal dealers, coal distributors, coal truckers, lumber dealers, real estate agents, loan companies, abstracters, abstract agencies, loan agents, collection agencies, undertakers, public buildings, office buildings, public halls, public grounds, concerts, photographers in office or upon streets, canvassers, artists, drummers, patent right dealers, insurance companies, insurance agents, taverns, hotels, rooming houses, boarding houses, sanitariums, hospitals, health schools, telephone companies, street contractors, paperhanger contractors, painting contractors, plastering contractors, and all subcontractors, flour mills, express company agencies, opticians, wagons, buggies, carriages, tanners, barbers, barbershops, hairdressers, hair dressing shops, whether conducted in connection with other business or separate, beauty parlors, tailors, florists, nursery stock agents, bookbinders, monument dealers, and agencies, manufacturing agents, shoe cobbler shops, storage warehouses, shoe shining parlors, job printing plants, outdoor advertising, ready-to-wear clothing agencies, tailor-made clothing agencies, sewing machine agencies, piano and organ dealers and agents, foreign coffee and tea dealers, and agents or all other vocations whatsoever, and fix the rate of carriage of persons and wagonage, drayage and cartage of property; and may levy and collect a license tax and regulate hawkers, peddlers, pawnbrokers, restaurants, butchers, wholesale butchers, bathhouses and masseurs, lunch stands, lunch counters, lunch wagons, soft drink and ice cream stands and vendors, ice cream parlors, peanut and popcorn stands, and stands of every kind, hucksters, opera houses, moving picture shows, private parks, public lectures, public meetings, baseball parks, horse and cattle dealers, stockyards, wagon yards, auto yards, oil stations, wholesale and retail inspectors, gaugers, mercantile agents, manufacturing and other corporations, or institutions, machine shops, blacksmith shops, radio repair shops, foundries, sewer contractors, building contractors, stone contractors, sidewalk contractors, bridge contractors, plumbing contractors, brick contractors, cement contractors, and all subcontractors, street railroad cars, gas companies, light companies, power companies, and water companies, laundries, laundry agencies, rug and carpet cleaners, linen supply rental service, conditioning and renting for use, bed linen, table linen, towels, rugs, uniform aprons, coats, caps, coveralls, chair covers, automobile seat covers or any other items, ice plants and ice plant agencies, ice dealers, omnibuses, automobiles, automobile trailers, tractors, carts, drays, milk wagons, laundry wagons, delivery wagons, transfer and job wagons, ice wagons, and all other vehicles, traveling and auction stores, plumbers, pressing establishments, installment houses and agencies, produce and poultry dealers, feather renovators, baker and bakeries, bakery delivery wagons, and delivery autos, bottling works, dye works, cleaning establishments, sand plants, steamfitters, corn doctors, chiropodists, hackmen, taxicabs, buses, draymen, omnibus drivers, porters, dairies, and regulate the same, and all other pursuing like occupations; and may levy and collect a license tax, regulate, restrain, prohibit and suppress ordinaries, money brokers, money changers, intelligence and employment offices, and agencies, public masquerades, balls, street exhibitions, dance halls, fortune tellers, pistol galleries, shooting galleries, palmists, private venereal hospitals, museums, menageries, equestrian performances, fluoroscopic views, picture shows, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, bowling alleys, billiard tables, pool and other tables, miniature golf courses, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, amusement parks, and the sale of unclaimed goods by express companies or common carriers, auto wrecking shops, bill posters, junk dealers, porters, carnival and street fairs, circuses and shows for parade and exhibition, or both, skating rinks and runners, and solicitors for steamboats, cars, stages, taxicabs, hotels, rooming houses, boarding houses, bathhouses, masseurs, hospitals, sanitariums, health schools, and all other pursuing like occupations.

**2. Notwithstanding any other law to the contrary, the total license taxes, including those authorized under sections 94.360 and 94.270, imposed upon hotels or motels levied by any city may not exceed one-eighth of one percent of a hotel's or motel's gross revenue or the tax rate imposed on hotels and motels as of May 1, 2015, whichever is higher. The provisions of this section shall not apply to any tax levied in compliance with subsection 7 of section 94.270 or to any tax levied under section 92.045.”; and**

Further amend said bill 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. 326, Page 7, Section 59.022, Line 13, by inserting after said line the following:

“67.402. 1. The governing body of the following counties may enact nuisance abatement ordinances as provided in this section:

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

(2) Any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four hundred inhabitants;

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants;

(4) Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;

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

(6) Any county of the third classification with a township form of government and with more than fourteen thousand five hundred but fewer than fourteen thousand six hundred inhabitants;

(7) Any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants;

(8) Any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants;

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

(10) Any county of the second classification with more than fifty-two thousand six hundred but fewer than fifty-two thousand seven hundred inhabitants;

**(11) Any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants.**

2. The governing body of any county described in subsection 1 of this section may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash,

lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

3. Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

4. Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

5. Nothing in this section authorizes any county to enact nuisance abatement ordinances that provide for the abatement of any condition relating to agricultural structures or agricultural operations, including

but not limited to the raising of livestock or row crops.

6. No county of the first, second, third, or fourth classification shall have the power to adopt any ordinance, resolution, or regulation under this section governing any railroad company regulated by the Federal Railroad Administration.”; 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. 326, Page 13, Section 105.030, Line 18, by inserting immediately after said line the following:

“137.076. **1.** In establishing the value of a parcel of real property the county assessor shall consider current market conditions and previous decisions of the county board of equalization, the state tax commission or a court of competent jurisdiction that affected the value of such parcel. For purposes of this section, the term “current market conditions”, shall include the impact upon the housing market of foreclosures and bank sales.

**2. In establishing the value of a parcel of real property the county assessor shall and will use an income based approach for assessment of parcels of real property with federal or state imposed restrictions in regard to rent limitations, operations requirements or any other restrictions imposed upon the property in connection with the property being eligible for any income tax credits under section 42 of the Internal Revenue Code of 1986 as amended; property constructed with the use of the United States Department of Housing and Urban Development HOME investment partnerships program; property constructed with the use of incentives provided by the United States Department of Agriculture Rural Development; or property receiving any other state or federal subsidies provided with respect to use of the property for housing purposes.**

**3. For the purposes of this section, the term “income based approach” shall and will include the use of direct capitalization methodology and computed by dividing the estimated net operating income of the parcel of property by an appropriate capitalization rate not to exceed the average of the current market data available in the county of said parcel of property. Federal and State tax credits or other subsidies shall not be considered when calculating the capitalization rate. Upon expiration of a land use restriction agreement, such parcel of property shall no longer be subject to this section.”; and**

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 326, Page 28, Section 483.020, Line 10, by inserting the following after all of said line:

**“488.2265. 1. In addition to all other court costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court in the state located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants and with a city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat in all civil and criminal cases including violations of any county or municipal ordinance or infractions, except that no such surcharge shall be collected for any violation of a traffic law or ordinance or in any proceeding when the proceeding**

or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the criminal laws of the state or county ordinances, including infractions, no such surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge.

2. Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, planning, and construction of a new facility, maintenance, and operation of any county or municipal judicial facility or justice center including, but not limited to, architectural, engineering, and other plans and studies, utilities, maintenance, and building security of any judicial facility. The county or municipality shall establish and maintain a separate account known as the “justice center fund” limited to the uses authorized by this section. The county or municipality shall maintain records identifying all surcharges and expenditures made from the justice center fund.”; and

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

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 326, Page 12, Section 72.418, Line 116, by inserting after all of said line the following:

“72.150. When two or more cities, towns or villages in this state adjoining and contiguous to each other in the same or adjoining county or two or more cities, towns or villages located in a county of the second classification having a population of at least forty-seven thousand but not more than forty-nine thousand which are not adjoining and contiguous to each other but whose combined territory when combined will be contiguous **or when two or more cities, towns, or villages located in a county of the first classification or a county of the second classification that have entered into one or more intergovernmental agreements related to municipal services and are separated by a distance of not more than one mile and are connected by at least two public maintained rights of way** shall be desirous of being consolidated, it shall be lawful for them to consolidate under one government of the classification under which any of them was organized or the classification provided for the consolidated population, in the manner and subject to the provisions prescribed in sections 72.150 to 72.220. Any cities, towns or villages within any county with a charter form of government where fifty or more cities, towns and villages have been incorporated shall consolidate pursuant to the provisions of section 72.420.”; and

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

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 326, Page 9, Section 67.950, Line 79, by inserting after all of said section and line the following:

“67.1080. 1. Provisions of law to the contrary notwithstanding, where a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants has properly levied a tax, which by law terminates within a specified period of time, the

**imposition of such tax may, by a majority vote of the governing body of such county, be extended; except that no ordinance or order extending such tax shall be effective unless the governing body of the county submits to the voters of such county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to extend such tax.**

**2. The ballot of submission shall contain, but need not be limited to the following language:**

**“Shall the county of ..... (insert county’s name) extend the countywide (insert type of tax) tax currently imposed for the purpose of ..... (insert purpose of tax) at the rate of (insert rate) percent (it shall be optional to include the duration of the extension)?”.**

**3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to extend the tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to extend the tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.”; and**

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

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 210**, as amended. Representatives: Flanigan, Allen, Leara, Rizzo and McCann Beatty.

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 **SB 328**, as amended. Representatives: Lauer, Frederick, Rowland, Morgan and Arthur.

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 221**. Representatives: Hinson, Leara, Allen, Otto and Burns.

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 322**, as amended. Representatives: Engler, Zerr, Franklin, Kirkton and Meredith.

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 380**, as amended. Representatives: Lair, Cornejo, Dugger, Kirkton and Arthur.

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 **SCR 30**.

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 30

WHEREAS, humans need a varied diet containing protein in order to be healthy; and

WHEREAS, eggs are an efficient, nutritious, and affordable form of animal protein on which millions of Americans rely; and

WHEREAS, Article I, Section 8, Clause 3 of the United States Constitution, also known as the Commerce Clause, was designed to ensure free trade between the states by preventing any state from imposing a tariff or other restriction on goods from another state; and

WHEREAS, California is one of the nation's largest producers and consumers of eggs for human consumption; and

WHEREAS, conventional chicken enclosures, also known as battery cages, have been proven to better protect egg-laying hens from bone breaks, cannibalism, disease, smothering, and predation than free range operations or operations using so-called "enriched cages"; and

WHEREAS, forcing egg producers to switch to "enriched cages" or nonconfinement operations drove up the cost of eggs in the European Union while also leading to food shortages and the closure of countless farms; and

WHEREAS, forcing egg farmers in America to abandon battery cages in favor of "enriched cages" or nonconfinement operations will lead to the same impacts on the U.S. economy and food supply; and

WHEREAS, the Humane Society of the United States, also known as HSUS, is America's largest animal rights group and has aggressively pursued an agenda intended to decrease and eventually eliminate the public's consumption of animal protein; and

WHEREAS, California voters adopted Proposition 2 to their state constitution in 2008, requiring the state's egg producers to switch to "enriched cages" or nonconfinement operations in a campaign led and funded by the Humane Society of the United States; and

WHEREAS, in 2010, at the behest of HSUS, the California legislature passed AB 1437, which was signed into law by Governor Arnold Schwarzenegger, prohibiting the sale of eggs from other states that do not meet the requirements of Proposition 2 of 2008; and

WHEREAS, together, California's Proposition 2 and AB 1437 violate the Commerce Clause of the U.S. Constitution by preventing free trade among the states; and

WHEREAS, together, California's Proposition 2 and AB 1437 have artificially increased egg prices and restricted the availability of affordable eggs and vital animal protein to Californians, especially low-income citizens:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate concurring therein, hereby condemn California's anti-trade actions and call on the California legislature to repeal AB 1437 and urge the voters of California to reconsider and repeal Proposition 2.

In which the concurrence of the Senate is respectfully requested.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 322**, as amended: Senators Dempsey, Sater, Schaaf, Nasheed and Schupp.

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 328**, as amended by **HA 1** and **HA 2**: Senators Schupp, Brown, Riddle, Onder and Walsh.

### PRIVILEGED MOTIONS

Senator Riddle moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 556**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Schatz moved that the Senate request the House grant further conference on **HCS** for **SS** for **SCS** for **SB 278**, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

### **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 **HCS** for **HB 457**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 996**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **HB 875**, 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 1076**, 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 **HCS** for **HBs 671** and **683**, 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 **HB 1039**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 444**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Veterans' Affairs and Health, submitted the following report:

Mr. President: Your Committee on Veterans' Affairs and Health, to which was referred **HCS** for **HB 1066**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, 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 **HCS** for **HB 844**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **PRIVILEGED MOTIONS**

Senator Sater moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 326**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Kehoe assumed the Chair.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 7, 2015

TO THE SECRETARY OF THE SENATE  
98TH GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Substitute for Senate Bill No. 239, entitled:

#### **AN ACT**

To repeal sections 1.010, 538.205, and 538.210, RSMo, and to enact in lieu thereof three new sections relating to a statutory cause of action against healthcare providers.

On May 7, 2015, I approved said Senate Substitute for Senate Bill No. 239.

Respectfully submitted,  
Jeremiah W. (Jay) Nixon  
Governor

### **RESOLUTIONS**

Senator LeVota offered Senate Resolution No. 1073, regarding Corinna Mejia-Ridenhour, which was adopted.

Senator LeVota offered Senate Resolution No. 1074, regarding Andrea J. Routh, Esquire, Kansas City, which was adopted.

Senator Schupp offered Senate Resolution No. 1075, regarding Timothy E. "Tim" Griffin, Kirkwood, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Schmitt introduced to the Senate, the Physician of the Day, Dr. Dave Meyer, Glendale.

On motion of Senator Richard, the Senate adjourned until 10:00 a.m., Friday, May 8, 2015.

**SENATE CALENDAR**

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**SIXTY-SIXTH DAY—FRIDAY, MAY 8, 2015**

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**FORMAL CALENDAR**

**THIRD READING OF SENATE BILLS**

SCS for SBs 1, 22, 49 & 70-Pearce (In Fiscal Oversight)	SB 203-Dixon (In Fiscal Oversight)
SCS for SB 56-Munzlinger (In Fiscal Oversight)	SB 352-Schaefer (In Fiscal Oversight)
SS for SB 201-Dixon (In Fiscal Oversight)	SS for SB 540-Libla (In Fiscal Oversight)

**HOUSE BILLS ON THIRD READING**

- |   |  |
|---|--|
| 1. HCS for HB 882-McGaugh, with SCS<br>(Munzlinger) (In Fiscal Oversight) | 9. HCS for HB 117 (Dixon)<br>(In Fiscal Oversight)             |
| 2. HB 279-Cornejo, with SCS (Schmitt)<br>(In Fiscal Oversight)            | 10. HB 101-Redmon (Libla) (In Fiscal Oversight)                |
| 3. HB 100-Gosen, with SCS (Parson)<br>(In Fiscal Oversight)               | 11. HB 1305-Rowden (Schaefer)<br>(In Fiscal Oversight)         |
| 4. HCS for HB 807, with SCS (Dixon)<br>(In Fiscal Oversight)              | 12. HCS for HB 1002, with SCS (Kehoe)<br>(In Fiscal Oversight) |
| 5. HB 254-Crawford, with SCS (Parson)<br>(In Fiscal Oversight)            | 13. HCS for HB 457 (Dempsey)                                   |
| 6. HCS for HB 811, with SCS (Riddle)<br>(In Fiscal Oversight)             | 14. HB 996-Hoskins   |
| 7. HB 32-Hoskins (Pearce)<br>(In Fiscal Oversight)                        | 15. HB 875-Hinson, with SCS (Schatz)                           |
| 8. HB 218-Wilson, with SCS (Dixon)<br>(In Fiscal Oversight)               | 16. HB 1076-Brown (57) (Emery)                                 |
|   | 17. HCS for HBs 671 & 683, with SCS                            |
|   | 18. HB 1039-Dugger (Hegeman)                                   |
|   | 19. HCS for HB 444   |
|   | 20. HCS for HB 1066, with SCS (Schaaf)                         |
|   | 21. HCS for HB 844, with SCS (Wasson)                          |

**INFORMAL CALENDAR**

**THIRD READING OF SENATE BILLS**

SS#2 for SB 475-Dempsey

**SENATE BILLS FOR PERFECTION**

SB 17-Dixon	SB 305-Onder
SB 37-Romine, with SCS & SA 1 (pending)	SB 313-Wallingford, with SCS
SB 44-Nasheed, with SCS, SS for SCS & SA 1 (pending)	SBs 331 & 21-Libla, with SCS & SS for SCS (pending)
SB 46-Holsman	SB 339-Munzlinger, with SS (pending)
SB 53-Schaaf, with SS#2 (pending)	SB 358-Kehoe
SB 55-Munzlinger	SB 360-Parson, with SCS
SB 59-Dixon	SB 371-Munzlinger
SB 69-LeVota, with SCS	SB 372-Keaveny, with SCS (pending)
SB 80-Dixon, with SCS	SB 374-Schatz, with SCS
SB 91-Dixon, with SCS	SB 399-Onder
SBs 112, 212, 143 & 234-Dixon, with SCS	SB 400-Onder, with SS (pending)
SB 117-Brown, with SCS	SB 409-Wallingford, with SCS
SB 127-Brown, with SCS	SB 420-Schmitt
SB 130-Walsh and Schupp, with SCS	SB 424-Pearce, with SA 1 (pending)
SB 151-Sater	SB 427-Sifton, with SCS
SB 159-Parson	SB 432-Onder, with SCS
SB 167-Schaaf, with SCS	SB 442-Schaefer
SB 177-Munzlinger, with SCS	SBs 451, 307, 100 & 165-Dixon, with SCS
SB 220-Kehoe	SB 452-Schmitt, et al, with SA 1 & point of order (pending)
SB 225-Romine, with SCS	SB 455-Kehoe
SB 227-Emery, with SS (pending)	SB 469-Munzlinger
SB 232-Kehoe, with SCS (pending)	SB 471-Schaaf
SB 233-Kehoe, with SCS & SA 2 (pending)	SB 481-Onder, with SCS
SB 266-Schaefer, with SCS	SB 520-Kehoe, with SCS
SB 267-Schaefer, with SCS	SB 528-Sater
SB 268-Pearce, with SCS	SB 567-Chappelle-Nadal, et al
SB 286-Schaaf and Silvey	SJR 7-Richard and Wallingford
SB 299-Pearce	SJR 12-Onder, with SCS (pending)
SB 302-Riddle, with SCS (pending)	
SB 304-Keaveny, with SCS	

**HOUSE BILLS ON THIRD READING**

HCS for HB 33, with SCS (Parson)	HCS for HB 104 (Schaefer)
HB 64-Dugger (Cunningham)	HB 108-McCaherty (Dixon)

HCS for HB 112 (Wasson)	HCS for HB 635 (Dixon)
HCS for HB 119 (Wallingford)	HB 675-Rowden, with SS & SA 1 (pending) (Libla)
HB 185-Love (Parson)	HB 684-Koenig (Dixon)
HB 190-Swan (Wallingford)	HCS for HB 692, with SCS (Munzlinger)
HB 210-Conway (104) (Kehoe)	HCS for HB 714 (Wallingford)
HB 233-Franklin, with SCS (Parson)	HCS for HB 734, with SCS (Dixon)
HB 271-Hoskins (Dixon)	HCS for HB 777 (Kraus)
HB 276-Cornejo, with SCS (Onder)	HCS for HB 796, with SCS (Sater)
HCS for HB 299, with SCS (Kraus)	HB 808-Cornejo, with SCS (Hegeman)
HB 336-McGaugh (Kraus)	HCS for HB 830, with SCS (Munzlinger)
HB 341-Dugger (Kraus)	HB 836-Ross (Libla)
HB 401-Fraker, with SCS (Sater)	HCS for HB 864 (Kehoe)
HB 440-Koenig (Kraus)	HB 923-Miller, with SCS (Kehoe)
HCS for HB 478-Fitzwater (Wallingford)	HCS for HB 926 (Cunningham)
HB 494-Leara (Kehoe)	HCS for HB 976, with SCS (Riddle)
HB 502-Kelley, with SCS (Kraus)	HB 982-Rowden (Pearce)
HB 523-Burlison, with SCS (Brown)	HB 1010-Brown (57) (Munzlinger)
HB 529-Gosen, with SCS (Parson)	HCS for HB 1019, with SCS (Romine)
HB 533-Dugger, with SCS (Wasson)	HCS for HB 1058, with SCS (Brown)
HCS for HB 538, with SCS (Brown) (In Fiscal Oversight)	HCS for HB 1063 (Dixon)
HB 562-Davis (Wasson)	HCS for HB 1084 (Romine)
HCS for HBs 578, 574 & 584, with SCS (Riddle)	HB 1093-Houghton (Riddle)
HB 589-Hough, with SCS (Onder)	HB 1127-Johnson, with SCS (Hegeman)
HCS for HB 592 (Wasson)	HJR 1-Dugger (Kraus)
	HCS for HJR 34, with SCS (Schmitt)

### **SENATE BILLS WITH HOUSE AMENDMENTS**

SCS for SB 230-Romine, with HCS, as amended	SB 458-Sater, with HCS, as amended
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### **BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES**

#### **In Conference**

SS#2 for SCS for SB 11-Richard, with HA 1, HA 2, as amended, HA 3, as amended & HA 4	SB 13-Munzlinger, with HCS, as amended (CCR Offered)
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SCS for SB 35-Wallingford, with HCS, as amended  
 SS for SCS for SB 67-Cunningham, with HCS, as amended (Senate adopted CCR and passed CCS)  
 SB 104-Kraus, with HCS, as amended (Senate adopted CCR#2 and passed CCS#2)  
 SS for SCS for SB 115-Kraus, with HCS, as amended  
 SCS for SB 152-Wallingford, with HCS, as amended (Senate adopted CCR#2 and passed CCS#2)  
 SCS for SB 172-Romine, with HCS, as amended  
 SCS for SB 210-Schaefer, with HCS, as amended  
 SB 221-Schatz, with HCS  
 SB 254-Kraus, with HCS, as amended (Senate adopted CCR#2 and passed CCS#2)  
 SCS for SB 270-Nasheed, with HCS, as amended  
 SS for SCS for SB 278-Schatz, with HCS, as amended (Senate requests House grant further conference)  
 SB 282-Parson, with HCS, as amended

SB 283-Kehoe, with HCS, as amended  
 SCS for SB 300-Silvey, with HCS, as amended  
 SCS for SB 322-Dempsey, with HCS, as amended  
 SCS for SB 328-Schupp, with HA 1 & HA 2  
 SCS for SB 380-Wieland, with HCS, as amended  
 SCS for SB 445-Romine, with HCS, as amended (Senate adopted CCR and passed CCS)  
 SB 446-Schupp and Brown, with HA 1 & HA 2, as amended  
 SCS for SB 473-Schaaf, with HCS, as amended  
 HB 152-Haahr, with SCS, as amended (Onder)  
 HB 458-Allen, with SS for SCS, as amended (Schmitt)  
 HB 556-Wood, with SS for SCS, as amended (Riddle)  
 HB 615-Dohrman, with SCS (Schatz)

### **Requests to Recede or Grant Conference**

SCS for SB 326-Sater, with HCS, as amended (Senate requests House recede or grant conference)

### **RESOLUTIONS**

SCS for SCR 30-Kehoe, with HCS

### **Reported from Committee**

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

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

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