

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SECOND DAY—MONDAY, APRIL 30, 2012

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be glad and rejoice forever in what I am creating.” (Isaiah 65:18)

Gracious God, we are grateful for this time of year. For the rain and sun that allows Your creation to come forth in beauty and bounty. We give thanks for this time to help one another in what we must accomplish that is most helpful and in keeping with what You have created us to do. We give thanks for friends and colleagues who help us deal with what must be faced and completed each day. So help us to be glad that we are here and rejoice in all that comes our way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, April 26, 2012 was read and approved.

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

Present—Senators

| | | | | | | | |
|----------|-----------------|-----------------|---------|------------|----------|---------|----------|
| Brown | Callahan | Chappelle-Nadal | Crowell | Cunningham | Curls | Dempsey | Dixon |
| Engler | Goodman | Green | Justus | Keaveny | Kehoe | Kraus | Lager |
| Lamping | Lembke | Mayer | McKenna | Munzlinger | Nieves | Parson | Pearce |
| Purgason | Richard | Ridgeway | Rupp | Schaaf | Schaefer | Schmitt | Stouffer |
| Wasson | Wright-Jones—34 | | | | | | |

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wasson offered Senate Resolution No. 2017, regarding the Fiftieth Anniversary of Calvary

Bible Church, Nixa, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2018, regarding Janice Muldrew, St. Louis, which was adopted.

Senator Keaveny offered Senate Resolution No. 2019, regarding Austin Joseph Danback, which was adopted.

Senator Lembke offered Senate Resolution No. 2020, regarding Mary Forst, Waterloo, Illinois, which was adopted.

Senator Lembke offered Senate Resolution No. 2021, regarding Tyler Uebel, St. Louis, which was adopted.

Senator Engler offered Senate Resolution No. 2022, regarding Patricia E. Walker, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 2023, regarding Julie Huff, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 2024, regarding Mike Nickelson, Potosi, which was adopted.

Senators Rupp, Dempsey and Nieves offered Senate Resolution No. 2025, regarding Dr. Karl Wilson, St. Louis, which was adopted.

REFERRALS

President Pro Tem Mayer referred **SCS** for **SJR 51; HB 1051**, with **SCS; HB 1403; HCS** for **HB 1094**, with **SCS**; and **HB 1135**, with **SCS**, to the Committee on Ways and Means and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SB 835**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 835**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 835

An Act to repeal sections 320.106, 320.131, and 320.136, RSMo, and to enact in lieu thereof three new sections relating to fireworks, with an emergency clause.

Was taken up.

Senator Kehoe moved that **SCS** for **SB 835** be adopted, which motion prevailed.

On motion of Senator Kehoe, **SCS** for **SB 835** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

At the request of Senator Engler, **HB 1104**, with **SCS**, was placed on the Informal Calendar.

HB 1188, introduced by Representative Allen, et al, with **SCA 1**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the administration of asthma related rescue medication by school nurses.

Was taken up by Senator Schmitt.

SCA 1 was taken up.

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

On motion of Senator Schmitt, **HB 1188**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|------------|---------|-----------------|----------|---------|----------|--------|
| Brown | Callahan | Crowell | Cunningham | Curls | Dempsey | Dixon | Engler |
| Goodman | Green | Justus | Kehoe | Kraus | Lager | Lembke | Mayer |
| McKenna | Munzlinger | Parson | Pearce | Purgason | Richard | Ridgeway | Schaaf |
| Schaefer | Schmitt | Wasson | Wright-Jones—28 | | | | |

NAYS—Senator Chappelle-Nadal—1

Absent—Senators

| | | | | |
|---------|---------|--------|------|------------|
| Keaveny | Lamping | Nieves | Rupp | Stouffer—5 |
|---------|---------|--------|------|------------|

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 1179, introduced by Representative Hampton, et al, entitled:

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof two new sections relating to major water users.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **HB 1179** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|--------|----------|-----------------|---------|-----------------|----------|---------|----------|
| Brown | Callahan | Chappelle-Nadal | Crowell | Cunningham | Curls | Dempsey | Dixon |
| Engler | Goodman | Justus | Kehoe | Kraus | Lager | Lamping | Lembke |
| Mayer | McKenna | Munzlinger | Parson | Pearce | Purgason | Richard | Ridgeway |
| Schaaf | Schaefer | Schmitt | Wasson | Wright-Jones—29 | | | |

NAYS—Senators—None

Absent—Senators

| | | | | |
|-------|---------|--------|------|------------|
| Green | Keaveny | Nieves | Rupp | Stouffer—5 |
|-------|---------|--------|------|------------|

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 1331, introduced by Representatives Jones (117), et al, with **SCS**, entitled:

An Act to repeal section 104.603, RSMo, and to enact in lieu thereof one new section relating to reciprocal transfer of creditable service for state retirement systems.

Was taken up by Senator Kehoe.

SCS for **HB 1331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1331

An Act to repeal sections 104.603, 104.1084, and 104.1091, RSMo, and to enact in lieu thereof three new sections relating to retirement.

Was taken up.

Senator Kehoe moved that **SCS** for **HB 1331** be adopted, which motion prevailed.

Senator Kehoe moved that **SCS** for **HB 1331** be read the 3rd time and passed and was recognized to close.

President Pro Tem Mayer referred **SCS** for **HB 1331** to the Committee on Ways and Means and Fiscal Oversight.

HB 1128, introduced by Representative Largent, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to military honors.

Was taken up by Senator Kraus.

Senator Kraus offered **SS** for **HB 1128**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1128

An Act to amend chapters 9 and 41, RSMo, by adding thereto five new sections relating to military honors.

Senator Kraus moved that **SS** for **HB 1128** be adopted.

Senator Ridgeway assumed the Chair.

At the request of Senator Kraus, **HB 1128**, with **SS** (pending), was placed on the Informal Calendar.

HB 1680, introduced by Representative Davis, et al, entitled:

An Act to repeal section 620.515, RSMo, and to enact in lieu thereof one new section relating to the Show-Me heroes program.

Was taken up by Senator Pearce.

On motion of Senator Pearce, **HB 1680** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|----------|-----------------|------------|------------|---------|---------|-----------------|
| Brown | Callahan | Chappelle-Nadal | Crowell | Cunningham | Curls | Dempsey | Dixon |
| Engler | Goodman | Green | Justus | Keaveny | Kraus | Lager | Lamping |
| Lembke | Mayer | McKenna | Munzlinger | Nieves | Parson | Pearce | Purgason |
| Richard | Ridgeway | Rupp | Schaaf | Schaefer | Schmitt | Wasson | Wright-Jones—32 |

NAYS—Senators—None

Absent—Senators

Kehoe Stouffer—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

At the request of Senator Brown, **HCS** for **HB 1123** was placed on the Informal Calendar.

At the request of Senator Parson, **HB 1103** was placed on the Informal Calendar.

HCS for **HB 1525**, with **SCS**, entitled:

An Act to repeal sections 221.105, 559.016, 559.036, 559.100, and 559.115, RSMo, and to enact in lieu thereof eight new sections relating to criminal offenders under the supervision of the department of corrections, with penalty provisions.

Was taken up by Senator Goodman.

SCS for **HCS** for **HB 1525**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1525

An Act to repeal sections 221.105, 559.016, 559.036, 559.100, and 559.115, RSMo, and to enact in lieu thereof eight new sections relating to criminal offenders under the supervision of the department of corrections, with penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 1525** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HCS** for **HB 1525** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|------------|-----------------|-----------------|---------|----------|----------|---------|
| Brown | Callahan | Chappelle-Nadal | Curls | Dempsey | Dixon | Engler | Goodman |
| Green | Justus | Keaveny | Kraus | Lager | Lamping | Lembke | Mayer |
| McKenna | Munzlinger | Nieves | Parson | Pearce | Purgason | Ridgeway | Rupp |
| Schaaf | Schaefer | Wasson | Wright-Jones—28 | | | | |

NAYS—Senators

| | |
|---------|--------------|
| Crowell | Cunningham—2 |
|---------|--------------|

Absent—Senators

| | | | |
|-------|---------|---------|------------|
| Kehoe | Richard | Schmitt | Stouffer—4 |
|-------|---------|---------|------------|

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 1495, with SCS, entitled:

An Act to repeal section 375.993, RSMo, and to enact in lieu thereof one new section relating to the reporting of insurance fraud.

Was taken up by Senator Wasson.

SCS for HCS for HB 1495, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1495

An Act to repeal section 375.993, RSMo, and to enact in lieu thereof one new section relating to fraudulent insurance acts.

Was taken up.

Senator Wasson moved that **SCS for HCS for HB 1495** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS for HCS for HB 1495** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|----------|-----------------|------------|------------|---------|---------|-----------------|
| Brown | Callahan | Chappelle-Nadal | Crowell | Cunningham | Curls | Dempsey | Dixon |
| Engler | Goodman | Green | Justus | Keaveny | Kraus | Lager | Lamping |
| Lembke | Mayer | McKenna | Munzlinger | Nieves | Parson | Pearce | Purgason |
| Richard | Ridgeway | Rupp | Schaaf | Schaefer | Schmitt | Wasson | Wright-Jones—32 |

NAYS—Senators—None

Absent—Senators

Kehoe Stouffer—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 1112, introduced by Representative Gosen, with **SCS**, entitled:

An Act to repeal sections 376.010, 376.015, and 376.307, RSMo, and to enact in lieu thereof three new sections relating to life insurance companies.

Was taken up by Senator Rupp.

SCS for **HB 1112**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1112

An Act to repeal sections 376.010, 376.015, and 376.307, RSMo, and to enact in lieu thereof three new sections relating to life, health, and accident insurance.

Was taken up.

Senator Rupp moved that **SCS** for **HB 1112** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **HB 1112** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|----------|------------|------------|---------|-----------|----------|---------|
| Brown | Callahan | Crowell | Cunningham | Curls | Dempsey | Dixon | Engler |
| Goodman | Green | Justus | Keaveny | Kraus | Lager | Lamping | Lembke |
| Mayer | McKenna | Munzlinger | Nieves | Parson | Pearce | Purgason | Richard |
| Ridgeway | Rupp | Schaaf | Schaefer | Schmitt | Wasson—30 | | |

NAYS—Senators

Chappelle-Nadal Wright-Jones—2

Absent—Senators

Kehoe Stouffer—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 1042**, with **SCS**, entitled:

An Act to repeal sections 173.005 and 173.040, RSMo, and to enact in lieu thereof two new sections relating to duties prescribed to the coordinating board for higher education, with a penalty provision.

Was taken up by Senator Pearce.

SCS for **HCS** for **HB 1042**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1042

An Act to repeal sections 173.005, 173.040, 173.606, 173.608, 173.612, 173.614, 173.616, and 173.618, RSMo, and to enact in lieu thereof eight new sections relating to duties prescribed to the coordinating board for higher education, with a penalty provision.

Was taken up.

Senator Pearce moved that **SCS** for **HCS** for **HB 1042** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1042, Page 3, Section 173.005, Line 52, by inserting immediately after the word “missions” the following: “**and total funding per student**”.

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

Senator Dixon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1042, Page 1, In the Title, Line 4, by striking the following: “duties prescribed to the coordinating board for”; and

Further amend said bill, page 14, section 173.618, line 11, by inserting immediately after said line the following:

“174.332. 1. Notwithstanding the provisions of section 174.050 to the contrary, the board of regents of Northwest Missouri State University shall be composed of nine members, eight of whom shall be voting members and one who shall be a nonvoting member. Not more than four voting members shall belong to any one political party. **Not more than two voting members shall be residents of the same county.** The appointed members of the board serving on August 28, 2008, shall continue to serve until the expiration of the terms for which the appointed members were appointed and until such time a successor is duly appointed.

2. The board of regents shall be appointed as follows:

(1) Six voting members shall be residents of the university's historic statutory service region, as described in section 174.010 and modified by section 174.250, provided at least one member shall be a resident of Nodaway County;

(2) Two voting members shall be residents of a county in the state that is outside the university's historic statutory service region, as described in section 174.010 and modified by section 174.250, provided these two members shall not be appointed from the same congressional district; and

(3) One nonvoting member shall be a full-time student of the university, a United States citizen, and a resident of Missouri.

3. A majority of the voting members of the board shall constitute a quorum for the transaction of business; however, no appropriation of money nor any contract that shall require any appropriation or disbursement of money shall be made, nor teacher employed or dismissed, unless a majority of the voting members of the board vote for the same.

4. Except as specifically provided in this section, the appointments and terms of office for the voting and nonvoting members of the board, and all other duties and responsibilities of the board, shall comply with the provisions of state law regarding boards of regents.

174.450. 1. Except as provided in subsection 2 and subsection 6 of this section, the governing board of **the University of** Central Missouri [State University], Missouri State University, Missouri Southern State University, Missouri Western State University, and of each other public institution of higher education which, through the procedures established in subdivision (7) or (8) of section 173.030, is charged with a statewide mission shall be a board of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of section 173.030.

2. The governing board of Missouri State University, a public institution of higher education charged with a statewide mission in public affairs, shall be a board of governors of ten members, composed of nine voting members and one nonvoting member, who shall be appointed by the governor, by and with the advice and consent of the senate. The nonvoting member shall be a student selected in the same manner as prescribed in section 174.055. At least one but no more than two voting members shall be appointed to the board from each congressional district, and every member of the board shall be a citizen of the United States, and a resident of this state for at least two years prior to his or her appointment. No more than five voting members shall belong to any one political party. The term of office of the governors shall be six years, **except as provided in this subsection.** [The voting members of the board of governors serving on August 28, 2005, shall serve until the expiration of the terms for which they were appointed. For those voting members appointed after August 28, 2005, the term of office will be established in a manner where no more than three terms shall expire in a given year.] The term of office for those appointed hereafter shall end January first in years ending in an odd number. **For the six voting members' terms that expired in**

2011, the successors shall be appointed in the following manner:

(1) Of the five voting members' terms that expired on August 28, 2011, one successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2013;

(2) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to terms that shall expire on January 1, 2015;

(3) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to a term that shall expire on January 1, 2017; and

(4) For the voting member's term that expired on January 1, 2011, the successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2017.

Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.

3. If a voting member of the board of governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be forfeited and considered vacant.

4. Should the total number of Missouri congressional districts be altered, all members of the board of governors of Missouri State University shall be allowed to serve the remainder of the term for which they were appointed.

5. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board of governors of Missouri State University from the congressional district from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

6. The governing board of Missouri Southern State University shall be a board of governors consisting of nine members, composed of eight voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party.”; and

Further amend the title and enacting clause accordingly.

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

Senator Pearce moved that **SCS for HCS for HB 1042**, as amended, be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS for HCS for HB 1042**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|----------|-----------------|------------|------------|--------|-----------------|----------|
| Brown | Callahan | Chappelle-Nadal | Crowell | Cunningham | Curls | Dempsey | Dixon |
| Engler | Goodman | Green | Justus | Keaveny | Kraus | Lager | Lamping |
| Lembke | Mayer | McKenna | Munzlinger | Nieves | Parson | Pearce | Purgason |
| Richard | Ridgeway | Schaaf | Schaefer | Schmitt | Wasson | Wright-Jones—31 | |

NAYS—Senators—None

Absent—Senators

| | | |
|-------|------|------------|
| Kehoe | Rupp | Stouffer—3 |
|-------|------|------------|

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

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

An Act to repeal sections 67.750, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, 67.1754, 144.805, and 182.802, RSMo, and to enact in lieu thereof nine new sections relating to sales taxes, with an emergency clause for certain sections.

Was taken up by Senator Lamping.

SCS for **HB 1504**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1504

An Act to repeal sections 67.750, 67.1706, 67.1712, 67.1715, 67.1721, 67.1742, 67.1754, 144.805, and 182.802, RSMo, and to enact in lieu thereof twenty-nine new sections relating to sales taxes, with an emergency clause for certain sections.

Was taken up.

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

Senator Pearce assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1504, Page 18, Section 67.5038, Line 8, by inserting after all of said line the following:

“92.338. 1. All applicable provisions contained in sections 144.010 to 144.510 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed

by sections 92.325 to 92.340, except as modified in sections 92.325 to 92.340.

2. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.510 are hereby made applicable to the imposition and collection of the tax imposed by sections 92.325 to 92.340. **Notwithstanding the provisions of this subsection, the governing body of any city that imposes a convention and tourism tax pursuant to sections 92.325 to 92.340 may pass an ordinance and seek voter approval to collect the tax from certain transient guests who are otherwise exempt under this subsection. Such proposition shall be submitted to the voters at a citywide general or primary election or at a special election called for that purpose. It shall be submitted in a form set by the governing body.**

3. **Except as provided in subsection 2 of this section,** the same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510 for the administration and collection of the state sales tax shall satisfy the requirements of sections 92.325 to 92.340, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 92.325 to 92.340.

4. The person, firm or corporation subject to any tax imposed pursuant to sections 92.325 to 92.340 shall collect the tax from the transient guests and patrons of the food establishment and each such transient guest and patron of the food establishment shall pay the amount of the tax due to the person, firm or corporation required to collect the tax. The city shall permit the person required to remit the tax to deduct and retain an amount equal to two percent of the taxes collected. The city governing body may either require the license collector of the city to collect the tax imposed by sections 92.325 to 92.340 or may enter into an agreement with the director of revenue to have the director collect such tax on behalf of the city. In the event such an agreement is entered into, the director of revenue shall perform all functions incident to the collection, enforcement and operation of such tax, and the director shall collect the tax on behalf of the city and shall transfer the funds collected to the city license collector, except for an amount not less than one percent nor more than three percent, which shall be retained by the director for costs of collection. If the director of revenue is to collect such tax, the tax shall be collected and reported upon such forms and under such administrative rules and regulations as the director may prescribe. All refunds and penalties as provided in sections 144.010 to 144.525 are hereby made applicable to violations of sections 92.325 to 92.340.”; and

Further amend the title and enacting clause accordingly.

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

Senator McKenna offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1504, Page 2, Section 67.750, Line 29, by inserting at the end of said line the following:

“67.1360. 1. The governing body of the following cities and counties may impose a tax as provided in this section:

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the

voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four

thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the

portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in 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;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants; [or]

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt; **or**

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend the title and enacting clause accordingly.

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

Senator Richard offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1504, Page 18, Section 67.5038, Line 8, by inserting after all of said line the following:

“144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person’s administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director’s record.

4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:

(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller’s return to reflect the refund; or

(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser’s written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was

reported to the director of revenue by the vendor or seller.

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

[5.] **7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:**

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing

jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

[6.] **8.** For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if an additional refund claim is filed due to any of the following:

- (1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;
- (2) A decision of a court of competent jurisdiction or the administrative hearing commission; or
- (3) Changes in regulations or policy by the department of revenue.

[7.] **9.** Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

[8.] **10.** If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied."; and

Further amend the title and enacting clause accordingly.

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

Senator Wasson offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1504, Page 18, Section 67.5038, Line 8, by inserting after all of said line the following:

"71.625. **1.** The timely payment of a license tax due to any municipal corporation in this state, or any county pursuant to section 66.300, which is delivered by United States mail to the municipality or county office designated by such municipality or county office to receive such payments, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of tax due is sent by registered or certified mail, the date of the registration or certification shall be deemed the postmark date. No additional tax, penalty or interest shall be imposed by any

municipality or county on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period on or before the prescribed date, including any extension granted, for making the payment. When the last day for making any license tax payment, including extensions, falls on a Saturday, a Sunday, or a legal holiday in this state, the payment shall be considered timely if the payment is made on the next succeeding day which is not a Saturday, Sunday or legal holiday.

2. Except as otherwise provided by law, the interest provisions of section 144.170 and penalty provisions of section 144.250 relating to delinquent sales taxes shall apply to delinquent taxes due as a result of the imposition of a license tax by any municipal corporation. The limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.510.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kraus offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1504, Page 11, Section 67.5012, Line 10, by inserting at the end of said line the following:

“The question of whether to continue to impose the one-tenth of one cent local sales tax authorized under this section shall be submitted to the voters of the county every six years after the voters of that county approved the initial imposition of the tax.”

Senator Kraus moved that the above amendment be adopted.

Senator Lamping offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Committee Substitute for House Bill No. 1504, Page 1, Line 5, by striking the word “six” and inserting in lieu thereof the following: **“twenty-three”**.

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

SA 5, as amended, was again taken up.

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

Under the provisions of Senate Rule 91, Senator Lager was excused from voting on the adoption, 3rd reading and the emergency clause on **SCS** for **HCS** for **HB 1504**, as amended.

Senator Schaaf offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1504, Page 8, Section 67.1754, Line 81 of said page, by inserting after all of said line the following:

“67.2500. 1. A theater, cultural arts, and entertainment district may be established in the manner provided in section 67.2505 by the governing body of any county, city, town, or village that has adopted

transect-based zoning under chapter 89, any county described in this subsection, or any city, town, or village that is within such counties:

- (1) Any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants;
- (2) Any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants;
- (3) Any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants;
- (4) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;
- (5) 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;
- (6) 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;
- (7) Any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat.**

2. Sections 67.2500 to 67.2530 shall be known as the “Theater, Cultural Arts, and Entertainment District Act”.

3. As used in sections 67.2500 to 67.2530, the following terms mean:

- (1) “District”, a theater, cultural arts, and entertainment district organized under this section;
- (2) “Qualified electors”, “qualified voters”, or “voters”, registered voters residing within the district or subdistrict, or proposed district or subdistrict, who have registered to vote pursuant to chapter 115 or, if there are no persons eligible to be registered voters residing in the district or subdistrict, proposed district or subdistrict, property owners, including corporations and other entities, that are owners of real property;
- (3) “Registered voters”, persons qualified and registered to vote pursuant to chapter 115; and
- (4) “Subdistrict”, a subdivision of a district, but not a separate political subdivision, created for the purposes specified in subsection 5 of section 67.2505.

67.2510. As a complete alternative to the procedure establishing a district set forth in section 67.2505, a theater, cultural arts, and entertainment district may be established in the manner provided in section 67.2515 by a circuit court with jurisdiction over any county, city, town, or village that has adopted transect-based zoning under chapter 89, any county described in this section, or any city, town, or village that is within such counties:

- (1) Any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants;
- (2) Any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants;
- (3) Any county of the first classification with more than one hundred eighty-four thousand but fewer

than one hundred eighty-eight thousand inhabitants;

(4) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants;

(5) 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;

(6) 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;

(7) Any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lamping moved that **SCS** for **HCS** for **HB 1504**, as amended, be adopted, which motion prevailed.

On motion of Senator Lamping, **SCS** for **HCS** for **HB 1504**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|-----------------|--------|-----------------|------------|--------|---------|---------|
| Callahan | Chappelle-Nadal | Curls | Dempsey | Dixon | Engler | Goodman | Justus |
| Keaveny | Lamping | Mayer | McKenna | Munzlinger | Parson | Pearce | Richard |
| Schaaf | Schmitt | Wasson | Wright-Jones—20 | | | | |

NAYS—Senators

| | | | | | | | |
|-------|---------|------------|-------|--------|--------|----------|------------|
| Brown | Crowell | Cunningham | Kraus | Lembke | Nieves | Purgason | Ridgeway—8 |
|-------|---------|------------|-------|--------|--------|----------|------------|

Absent—Senators

| | | | | |
|-------|-------|------|----------|------------|
| Green | Kehoe | Rupp | Schaefer | Stouffer—5 |
|-------|-------|------|----------|------------|

Absent with leave—Senators—None

Excused from voting—Senator Lager—1

Vacancies—None

The President declared the bill passed.

The emergency clause failed to received the necessary two-thirds majority by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|-----------------|------------|--------|---------|---------|---------|---------|
| Callahan | Curls | Dempsey | Dixon | Goodman | Justus | Keaveny | Lamping |
| Mayer | McKenna | Munzlinger | Parson | Pearce | Richard | Schaaf | Schmitt |
| Wasson | Wright-Jones—18 | | | | | | |

NAYS—Senators

Brown Chappelle-Nadal Crowell Cunningham Engler Kraus Lembke Nieves
Purgason Ridgeway—10

Absent—Senators
Green Kehoe Rupp Schaefer Stouffer—5

Absent with leave—Senators—None

Excused from voting—Senator Lager—1

Vacancies—None

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

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

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 835**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Nieves introduced to the Senate, former State Senator John Griesheimer, Washington; and Mark Vincent, Union.

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

SENATE CALENDAR

SIXTY-THIRD DAY—TUESDAY, MAY 1, 2012

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1117
HCS for HB 1758
HB 1592-Jones (89), et al
HCS for HB 1280

HCS for HBs 1741 & 1543
HCS for HB 1137
HB 2099-Elmer
HCS for HB 1818

HB 1540-Jones (89), et al
HCS for HB 1869

HCS for HB 1865
HCS for HB 1254

THIRD READING OF SENATE BILLS

SCS for SJR 51-Lembke
(In Fiscal Oversight)

SCS for SB 835-Kehoe

HOUSE BILLS ON THIRD READING

1. HCS for HB 1623, with SCS (Schmitt)
2. HB 1073 & HCS for HB 1477-Sater, with
SCS (Munzlinger)
3. HB 1039-Leara (Crowell)
4. HCS for HB 1400, with SCS
5. HCS for HB 1308 (Pearce)
6. HB 1250-Ruzicka, et al (Purgason)
7. HB 1051-Allen, et al, with SCS (Lager)
(In Fiscal Oversight)
8. HBs 1807, 1093, 1107, 1156, 1221, 1261,
1269, 1641, 1668, 1737, 1782, 1868 &
1878-Marshall, et al, with SCS (Schaaf)

9. HCS for HB 1527 (Crowell)
10. HB 1403-Schatz, et al (Dempsey)
(In Fiscal Oversight)
11. HCS for HB 1108 (Parson)
12. HCS for HB 1094, with SCS (Munzlinger)
(In Fiscal Oversight)
13. HCS for HB 1140, with SCS (Cunningham)
14. HB 1192-Koenig, et al
15. HB 1135-Smith (150), et al, with SCS
(Dixon) (In Fiscal Oversight)
16. HCS#2 for HB 1462 (Munzlinger)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 806-Cunningham

SCS for SB 842-Lamping

SENATE BILLS FOR PERFECTION

SB 438-Mayer
SB 439-Mayer, with SCS, SA 1, SSA 1 for
SA 1 & SA 1 to SSA 1 for SA 1 (pending)
SB 442-Stouffer, with SCS
SB 449-Rupp
SB 451-Cunningham, with SCS

SB 454-Pearce, with SA 1 (pending)
SB 457-Schmitt, with SCS & SS for SCS
(pending)
SB 465-Schaaf
SB 474-Kraus, with SCS & SA 1 (pending)
SB 475-Lamping

| | |
|---|--|
| SB 479-Crowell | SB 695-Parson |
| SB 490-Munzlinger, with SCS | SB 706-Cunningham, with SCS |
| SB 491-Munzlinger, with SCS | SB 710-Engler, et al, with SCS & SS#2 for SCS (pending) |
| SB 516-Schaaf, with SCS (pending) | SB 717-Stouffer |
| SB 547-Purgason | SB 743-Brown |
| SB 548-Purgason, with SCS | SB 744-Wright-Jones, with SCS & SA 2 (pending) |
| SB 549-Lembke | SB 788-Keaveny, with SCS (pending) |
| SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending) | SB 795-Callahan, et al, with SCS |
| SB 577-Goodman and Rupp, with SCS | SB 807-Dempsey |
| SB 584-Richard and Kehoe, with SCS | SB 816-Kraus, with SCS |
| SBs 588 & 585-Schmitt, with SCS (pending) | SBs 817 & 774-Parson, with SCS |
| SB 589-Kraus, with SCS (pending) | SB 818-Parson, with SCS |
| SB 596-Brown, with SCS | SB 834-Mayer and Parson, with SCS |
| SB 621-Brown, with SCS, SS for SCS & SA 1 (pending) | SB 843-Lamping, with SCS & SS for SCS (pending) |
| SB 623-Cunningham, with SCS | SB 865-Pearce, with SCS |
| SB 645-Schaefer | SB 903-Lamping |
| SB 650-Ridgeway, with SS & SA 2 (pending) | SB 905-Mayer |
| SB 652-Lager | SB 906-Kraus, with SCS |
| SB 656-Lager and Dixon, with SCS | SB 909-Cunningham, et al |
| SB 657-Rupp, with SCS (pending) | SJR 25-Crowell |
| SB 659-Dempsey and Rupp | SJR 29-Lamping, with SS & SA 1 (pending) |
| SB 661-Schmitt, with SCS (pending) | SJR 30-Lamping |
| SB 666-Keaveny, with SCS & SS for SCS (pending) | SJR 39-Cunningham |
| SB 675-Crowell, with SCS (pending) | SJR 45-Nieves |
| SB 676-Nieves, with SCA 1 (pending) | SJR 47-Rupp, with SCS |
| SB 693-Crowell | SJR 50-Curls |

HOUSE BILLS ON THIRD READING

| | |
|---|---|
| HB 1103-Crawford and Wyatt (Parson) | HCS for HB 1193, with SCS (Engler) |
| HB 1104-Schoeller and Smith (150), with SCS (Engler) | SCS for HB 1331-Jones (117), et al (Kehoe) (In Fiscal Oversight) |
| HCS for HB 1123 (Brown) | |
| HB 1128-Largent (Kraus), with SS (pending) | |
| HCS for HB 1174, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 2 to SSA 1 for SA 1 (pending) (Pearce) | |

SENATE BILLS WITH HOUSE AMENDMENTS

SB 564-Brown, with HA 1, HA 2,
as amended, HA 3, HA 4, HA 6 & HA 8

SB 736-Engler, with HA 1
SCS for SB 773-Parson, with HA 2 & HA 3

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 568-Parson, with HCS, as amended

RESOLUTIONS

Reported from Committee

SCR 20-Rupp
SCR 21-Pearce, et al
SCR 26-Stouffer

HCR 31-Schieffer, et al (Dempsey)
HCR 36-Asbury, et al (Stouffer)

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