

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY—MONDAY, MAY 9, 2016

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

“As we have opportunity, let us do good unto all men.” (Galatians 6:10)

We are in our final week Lord and the tension and stress of this session and this day are increasing. So we pray that You walk with us so we do that which is pleasing in Your sight. Provide us strength that is needed to work the long hours that are before us and grant us peace of mind that we approach each bill brought before us in a calm and helpful manner so our decisions serve a good purpose. 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 Friday, May 6, 2016 was read and approved.

Senator Kehoe announced photographers from The Missouri Times were given permission to take pictures in the Senate Chamber.

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

Present—Senators

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

Absent—Senators—None

Absent with leave—Senator Silvey—1

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 2212, regarding Drew T. Boursheski, Columbia, which was adopted.

Senator Wasson offered Senate Resolution No. 2213, regarding Dr. Stephen L. Kleinsmith, Nixa, which was adopted.

Senator Dixon offered the following resolution:

SENATE RESOLUTION NO. 2214

Whereas, Harry Truman was born in 1884 at Lamar, Missouri, and spent most of his life in Independence, Missouri; and

Whereas, Harry Truman served honorably in the United States Army in Europe during the World War I; and

Whereas, Harry Truman married Bess Wallace in 1919, to whom he was married for fifty-three years until his death in 1972; and

Whereas, Harry Truman was elected as a local county official in 1922 in Jackson County, Missouri, and faithfully promoted improved transportation projects during his tenure; and

Whereas, Harry Truman was elected to the United States Senate in 1934, re-elected in 1940, and elected Vice President of the United States in 1944; and

Whereas, after serving as Vice President for only eighty-two days, Harry Truman became the President of the United States following the tragic death of President Franklin Roosevelt; and

Whereas, during his presidency many crucial decisions were made, including the decision to use the atomic bomb to end World War II, the adoption of the Marshall Plan to rebuild Europe, and the policy of containment to deal with the threat of Communism in the world; and

Whereas, Harry Truman was elected President in his own right in 1948 in an upset victory, and led the nation until his term ended on January 20, 1953, at which time he returned to Missouri, seeking neither fame nor excessive financial gain as an ex-president:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, hereby honor Harry S Truman, the thirty-third President of the United States, for his steadfast leadership of the United States of America.

Senator Sater offered the following resolution:

SENATE RESOLUTION NO. 2215

Whereas, MO HealthNet, Missouri's Medicaid program, provides statewide medical assistance to low-income and vulnerable Missourians, including access to prescription drugs through MO HealthNet's Pharmacy Program; and

Whereas, prescription drugs, often a vital element in a patient's treatment plan and continued well-being, have grown increasingly expensive in recent years; and

Whereas, in 2016 alone, Americans will spend more than \$328 billion on prescription drug, \$110 billion of which will be paid by Medicare, Medicaid, and veterans' insurance; and

Whereas, in the MO HealthNet program, costs for specialty drugs and generic equivalent drugs have risen 59% in recent years, resulting in prescription drug costs of over \$1.8 billion; and

Whereas, in 2014, the cost of one drug provided to just 311 MO HealthNet participants was \$26 million. The cost of another drug, prescribed to about 15,000 MO HealthNet participants, totaled more than \$75 million; and

Whereas, the continued trend of increased prescription drug costs is unsustainable and represents a budgetary crisis for the MO HealthNet program, as well as increased hardship and uncertainty for the health and welfare of Missouri residents:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, hereby establish the Senate Interim Committee on MO HealthNet Pharmacy Benefits; and

Be It Further Resolved that such committee be composed of five members of the Senate, to be appointed by the President Pro Tempore, with three members being of the majority party and two members being of the minority party; and

Be It Further Resolved that such committee conduct in-depth studies and make appropriate recommendations concerning pharmacy benefits under the MO HealthNet program and potential cost savings strategies; and

Be It Further Resolved that such committee may present a final report, together with its recommendations for any legislative action it deems necessary for submission to the Missouri Senate by December 31, 2016, at which point the committee shall be dissolved; and

Be It Further Resolved that such committee may solicit any input and information necessary to fulfill its obligations from the appropriate state departments and agencies, including the Department of Social Services, as well as health care provider and patient advocacy organizations;

and

Be It Further Resolved that the staffs of Senate Research and Senate Appropriations shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

Be It Further Resolved that the committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee.

Senator Cunningham offered the following resolution:

SENATE RESOLUTION NO. 2216

Whereas, long-term care provides a broad range of medical, personal, and social services and supports in-home and community settings for persons in need of care due to age, illness, accident, or disability, including many Missouri veterans who have served and protected Missouri residents and the nation; and

Whereas, over ten million people in the United States need some form of long-term care services. However, in 2014, according to the Henry J. Kaiser Family Foundation, the average occupancy rate of certified beds in certified nursing facilities in Missouri was 72.5%, which was the ninth lowest in the nation. Some counties in Missouri have significantly lower occupancy rates, resulting in an overabundance of available beds for the current long-term care facility resident population; and

Whereas, in Missouri, the average annual cost of a semi-private room in nursing home is nearly \$51,000. While some nursing home residents are able to pay the cost of care with long-term care insurance or private savings, many more rely on familial assistance and government programs such as Medicaid, Medicare, and veterans' assistance. On average, over 70% of the total cost of a resident's stay in a long-term care facility is paid by either the federal or state government; and

Whereas, the general underutilization of beds in Missouri long-term care facilities, the disproportionate distribution of beds to residents in many counties, and the high cost of care for vital long-term care services for the elderly, disabled, and veteran populations has resulted in a crisis in the provision of adequate and financially-sustainable long-term care for Missouri residents:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-eighth General Assembly, Second Regular Session, hereby establish the Senate Interim Committee on Long-Term Care Facilities; and

Be It Further Resolved that such committee be composed of five members of the Senate, to be appointed by the President Pro Tempore, with three members being of the majority party and two members being of the minority party; and

Be It Further Resolved that such committee conduct in-depth studies and make appropriate recommendations concerning:

(1) The relationship between certificate of need laws for long-term care facilities, the role of the Missouri Health Facilities Review Committee, and the current occupancy and utilization of long-term care beds in Missouri, including beds in hospitals, long-term care facilities, and veterans homes;

(2) Methods to improve quality of care and reduce costs in long-term care facilities, including exploring alternative financial strategies such as public-private partnerships; and

(3) The role of legislators serving on the Missouri Health Facilities Review Committee; and

Be It Further Resolved that such committee may present a final report, together with its recommendations for any legislative action it deems necessary for submission to the Missouri Senate by December 31, 2016, at which point the committee shall be dissolved; and

Be It Further Resolved that such committee may solicit input and information necessary to fulfill its obligations from the Department of Health and Senior Services, the Department of Social Services, the Department of Mental Health, the Missouri Veterans Commission, the Missouri Health Facilities Review Committee, and appropriate leaders in the long-term care industry in Missouri; and

Be It Further Resolved that the staffs of Senate Research and Senate Appropriations shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

Be It Further Resolved that the committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee.

REFERRALS

President Pro Tem Richard referred **HCS** for **HB 1451**, with **SCS**; **HB 1716**, with **SCS**; and **HCS** for **HBs 1589** and **2307**, with **SCS** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Richard referred **SR 2196** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 1463**; **HB 1816**, with **SCS**; **HCS** for **HB 1941**, with **SCS**; **HCS** for **HB 2379**, with **SCS**; **HCS** for **HB 2402**, with **SCS**; and **SS** for **HJR 53**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 2381**, entitled:

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to mine property.

Was taken up by Senator Munzlinger.

Senator Munzlinger offered **SS** for **HCS** for **HB 2381**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2381**

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to mine property.

Senator Munzlinger moved that **SS** for **HCS** for **HB 2381** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 2381, Page 10, Section 137.115, Line 13 of said page, by striking the word "not".

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

Senator Munzlinger moved that **SS** for **HCS** for **HB 2381**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **HCS** for **HB 2381**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Schupp—1

Absent—Senators—None

Absent with leave—Senator Silvey—1

Vacancies—2

The President declared the bill passed.

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

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

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

HCS for HB 2380, with **SCS**, entitled:

An Act to repeal sections 301.010, 301.130, 301.134, 301.144, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.463, 301.464, 301.465, 301.466, 301.467, 301.468, 301.469, 301.471, 301.472, 301.473, 301.474, 301.475, 301.477, 301.481, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079, 301.3080, 301.3082, 301.3084, 301.3085, 301.3086, 301.3087, 301.3088, 301.3089, 301.3090, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3116, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3142, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3158, 301.3161, 301.3162, 301.3163, 301.3165, 301.3166, 301.3167, 301.3168, 301.3169, and 301.3170, RSMo, and to enact in lieu thereof one hundred ten new sections relating to license plates, with an emergency clause for a certain section.

Was taken up by Senator Schatz.

SCS for HCS for HB 2380, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2380

An Act to repeal sections 301.010, 301.130, 301.134, 301.144, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.463, 301.464, 301.465, 301.466, 301.467, 301.468, 301.469, 301.471, 301.472, 301.473, 301.474, 301.475, 301.477, 301.481, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079, 301.3080, 301.3082, 301.3084, 301.3085, 301.3086, 301.3087, 301.3088, 301.3089, 301.3090, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3116, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3142, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3158, 301.3161, 301.3162, 301.3163, 301.3165, 301.3166, 301.3167, 301.3168, 301.3169, and 301.3170, RSMo, and to enact in lieu thereof one hundred ten new sections relating to license plates.

Was taken up.

Senator Schatz moved that **SCS for HCS for HB 2380** be adopted.

Senator Schatz offered **SS** for **SCS** for **HCS** for **HB 2380**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2380

An Act to repeal sections 301.010, 301.067, 301.130, 301.134, 301.144, 301.145, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.451, 301.456, 301.457, 301.463, 301.464, 301.465, 301.466, 301.467, 301.468, 301.469, 301.471, 301.472, 301.473, 301.474, 301.475, 301.477, 301.481, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079, 301.3080, 301.3082, 301.3084, 301.3085, 301.3086, 301.3087, 301.3088, 301.3089, 301.3090, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3116, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3142, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3158, 301.3161, 301.3162, 301.3163, 301.3165, 301.3166, 301.3167, 301.3168, 301.3169, and 301.3170, RSMo, and to enact in lieu thereof one hundred twelve new sections relating to license plates.

Senator Schatz moved that **SS** for **SCS** for **HCS** for **HB 2380** be adopted.

President Kinder assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2380, Page 61, Section 301.473, Line 28 of said page, by inserting an opening bracket “[” immediately before the word “which”; and

Further amend said bill and section, Page 62, Line 2 of said page, by inserting a closing bracket “]” after “plate.”; and further amend line 6 of said page, by inserting an opening bracket “[” immediately before the word “Once”; and further amend line 13 of said page, by inserting a closing bracket “]” after “plates.”.

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

Senator Schatz moved that **SS** for **SCS** for **HCS** for **HB 2380**, as amended, be adopted, which motion prevailed.

Senator Schatz moved that **SS** for **SCS** for **HCS** for **HB 2380**, as amended, be read the 3rd time and was recognized to close.

President Pro Tem Richard referred **SS** for **SCS** for **HCS** for **HB 2380**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

At the request of Senator Keaveny, **HCS** for **HB 1941**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Kraus, **HCS** for **HB 1463** was placed on the Informal Calendar.

HCS for **HB 1583**, with **SCS**, entitled:

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof three new sections relating to student safety.

Was taken up by Senator Schmitt.

SCS for **HCS** for **HB 1583**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1583

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof three new sections relating to student safety.

Was taken up.

Senator Schmitt moved that **SCS** for **HCS** for **HB 1583** be adopted.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1583, Page 4, Section 170.047, Line 1, by striking “2017-18” and inserting in lieu thereof “**2017-2018**”; and further amend line 12, by striking the word “means” and inserting in lieu thereof the following: “**shall refer to**”; and

Further amend said bill and page, section 170.048, line 2, by inserting immediately after “including” the following: “**plans for how the district will provide for**”; and

Further amend said bill and section, page 5, line 3, by inserting immediately after the word “of” the word “**its**”; and further amend line 4, by striking the word “need”.

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

Senator Schmitt moved that **SCS** for **HCS** for **HB 1583**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **HCS** for **HB 1583**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Silvey—1

Vacancies—2

The President declared the bill passed.

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

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

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

HCS for HB 1474, with **SCS**, entitled:

An Act to repeal sections 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, and 130.071 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof two new sections relating to certain sections declared unconstitutional, with a delayed effective date for certain sections.

Was taken up by Senator Kraus.

SCS for HCS for HB 1474, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1474

An Act to repeal section 130.026 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 130.026 as enacted by senate bill no. 262, eighty-eighth general assembly, first regular session, section 130.057 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.057 as enacted by house bill no. 676 merged with senate bills nos. 31 & 285, ninety-second general assembly, first regular session, and to enact in lieu thereof two new sections relating to the requirement of filing certain disclosure reports in an electronic format with the Missouri ethics commission.

Was taken up.

Senator Riddle assumed the Chair.

Senator Kraus moved that **SCS for HCS for HB 1474** be adopted, which motion prevailed.

On motion of Senator Kraus, **SCS for HCS for HB 1474** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Hegeman	Holsman
Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder
Pearce	Richard	Riddle	Romine	Sater	Schaefer	Schatz
Schmitt	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Emery	Parson	Schaaf—3
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Absent—Senators—None

Absent with leave—Senator Silvey—1

Vacancies—2

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Wallingford moved that **SCS** for **SB 814**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 814** was taken up.

Under the provisions of Senate Rule 91, Senator Kraus was excused from voting on the adoption of **HCS** for **SCS** for **SB 814** and third reading of the bill.

Senator Wallingford moved that **HCS** for **SCS** for **SB 814**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Libla	Munzlinger	Nasheed	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Silvey—1

Excused from voting—Senator Kraus—1

Vacancies—2

On motion of Senator Wallingford, **HCS** for **SCS** for **SB 814**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Libla	Munzlinger	Nasheed	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schaaf
Schaefer	Schatz	Schmitt	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Silvey—1

Excused from voting—Senator Kraus—1

Vacancies—2

The President declared the bill passed.

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

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

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

Senator Munzlinger moved that **SB 702**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Munzlinger moved that **HA 1**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder	Parson
Pearce	Richard	Riddle	Romine	Sater	Schaefer	Schatz
Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—27	

NAYS—Senators

Keaveny Schaaf—2

Absent—Senators

Holsman Schmitt—2

Absent with leave—Senator Silvey—1

Vacancies—2

On motion of Senator Munzlinger, **SB 702**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Kehoe	Kraus	Libla	Munzlinger	Nasheed	Onder
Parson	Pearce	Richard	Riddle	Romine	Sater	Schatz
Schupp	Sifton	Wallingford	Wasson	Wieland—26		

NAYS—Senators

Keaveny Schaaf—2

Absent—Senators

Schaefer Schmitt Walsh—3

Absent with leave—Senator Silvey—1

Vacancies—2

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

HB 1851, introduced by Representative Alferman, with **SCS**, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the designation of the German Heritage Corridor of Missouri.

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

SCS for **HB 1851**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1851

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to the designation of the German Heritage Corridor of Missouri.

Was taken up.

Senator Schatz moved that **SCS** for **HB 1851** be adopted, which motion prevailed.

On motion of Senator Schatz, **SCS** for **HB 1851** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Emery	Hegeman
Holsman	Keaveny	Kehoe	Kraus	Libla	Munzlinger	Nasheed
Onder	Parson	Pearce	Richard	Riddle	Romine	Sater
Schaaf	Schaefer	Schatz	Schmitt	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senator Schupp—1

Absent with leave—Senator Silvey—1

Vacancies—2

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 932**, entitled:

An Act to repeal sections 370.230, 486.245, 486.275, 486.285, 486.305, 486.310, and 486.375, RSMo, and to enact in lieu thereof seven new sections relating to regulation of bonded entities, with a penalty provision.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 932, Page 2, Section 370.230, Line 23, by inserting after all of said section and line the following:

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

(1) “Federal home loan bank”, a federal home loan bank established under the federal Home Loan Bank Act, 12 U.S.C. Section 1421, et seq.;

(2) “Insurer-member”, an insurer who is a member of a federal home loan bank.

2. Notwithstanding any other provision to the contrary, no federal home loan bank shall be stayed or prohibited from exercising its rights regarding collateral pledged by an insurer-member.

3. If a federal home loan bank exercises its rights regarding collateral pledged by an insurer-member who is subject to a delinquency proceeding, the federal home loan bank shall repurchase any outstanding capital stock that is in excess of that amount of federal home loan bank stock that the insurer-member is required to hold as a minimum investment, to the extent the federal home loan bank in good faith determines the repurchase to be permissible under applicable laws, regulations, regulatory obligations, and the federal home loan bank’s capital plan, and consistent with the federal home loan bank’s current capital stock practices applicable to its entire membership.

4. Following the appointment of a receiver for an insurer-member, the federal home loan bank shall, within ten business days after a request from the receiver, provide a process and establish a timeline for the following:

(1) The release of collateral that exceeds the amount required to support secured obligations remaining after any repayment of loans as determined in accordance with the applicable agreements between the federal home loan bank and the insurer-member;

(2) The release of any of the insurer-member’s collateral remaining in the federal home loan bank’s possession following repayment of all outstanding secured obligations of the insurer-member in full;

(3) The payment of fees owed by the insurer-member and the operation of deposits and other accounts of the insurer-member with the federal home loan bank; and

(4) The possible redemption or repurchase of federal home loan bank stock or excess stock of any class that an insurer-member is required to own.

5. Upon request from a receiver, the federal home loan bank shall provide any available options for an insurer-member subject to a delinquency proceeding to renew or restructure a loan to defer associated prepayment fees, subject to market conditions, the terms of any loans outstanding to the insurer-member, the applicable policies of the federal home loan bank, and the federal home loan bank’s compliance with federal laws and regulations.

6. Notwithstanding any other provision of law to the contrary, the receiver for an insurer-member shall not void any transfer of, or any obligation to transfer, money or any other property arising under or in connection with any federal home loan bank security agreement, or any pledge, security, collateral, or guarantee agreement, or any other similar arrangement or credit enhancement relating

to a federal home loan bank security agreement made in the ordinary course of business and in compliance with the applicable federal home loan bank agreement. However, a transfer may be avoided under this subsection if the transfer was made with intent to hinder, delay, or defraud the insurer-member, the receiver for the insurer-member, or existing or future creditors. This subsection shall not affect a receiver's rights regarding advances to an insurer-member in delinquency proceedings under 12 CFR Part 1266.4.”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 932, Page 4, Section 486.375, Line 3, by deleting the opening bracket “[“ before the word “misdemeanor”; and

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

“by imprisonment for not more than six months or both, unless such act results in a fraudulent act involving property, such person shall be guilty of a class E felony.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SB 988** with **HA 1, HA 2, HA 3, HA 1 to HA 4, HA 4** as amended, **HA 5**, 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 703**, 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 **SB 852** with **HA 1, HA 1 to HA 2, HA 2** as amended, **HA 3**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 656**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 786**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 625**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 994**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 735**, entitled:

An Act to repeal sections 477.650, 600.042, 600.090, and 600.101, RSMo, and section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, and to enact in lieu thereof five new sections relating to judicial proceedings, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 735, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

“452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) “Custody” means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) **“In vitro human embryo”, any human embryo at any stage of development which is not conceived within a female;**

(3) “Joint legal custody” means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

[(3)] (4) “Joint physical custody” means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

[(4)] (5) **“Surrogate”, a woman who is not an ovum donor, but in whose womb an in vitro human embryo is implanted;**

(6) “Third-party custody” means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child’s parents as to custody and the proposed parenting plan submitted by both

parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child's adjustment to the child's home, school, and community;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The wishes of a child as to the child's custodian.

The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 568.080;

(f) A violation of section 568.090; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection [7] **8** of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

11. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

12. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

13. If the court finds that domestic violence or abuse, as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

14. If a dispute is brought before a court of this state involving the custody of in vitro human embryos, the court shall render a decision according to the following standards:

(1) The court shall determine custody in accordance with the best interest of the in vitro human embryo. It is presumed that it is in the best interest of the in vitro human embryo to place him or her in the custody of the ovum donor or spermatozoon donor who intends to develop the in vitro human embryo to birth, subject to rebuttal evidence;

(2) The court shall resolve the dispute between the parties in the manner that provides the best chance for the in vitro human embryo to develop and grow. The court shall not approve either the termination of the in vitro human embryo or an outcome that leaves the in vitro human embryo indefinitely in an environment in which it does not develop and grow;

(3) The following persons have standing to petition the court or to intervene in a case: the ovum donor, spermatozoon donor, the surrogate in which the in vitro human embryo at issue has been placed, or any other party involved in the negotiations for the creation of the in vitro human embryo at issue;

(4) The court may uphold an agreement between the parties to an action establishing or terminating parental rights as not against public policy. Notwithstanding the provisions of chapters 211 and 435, the noncustodial party may terminate his or her parental rights by filing an affidavit with the court. Upon receipt of such an affidavit, the court shall enter an order terminating such noncustodial party's parental rights. If parental rights have been terminated under this subdivision, then a claim for child support by the custodial party shall not be maintained against the noncustodial party; and

(5) All agreements brought before the court concerning the disposition of in vitro human embryos shall be subject to the provisions of this section.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 799**, entitled:

An Act to repeal sections 144.087, 347.015, 347.179, 351.015, 351.065, 354.010, 354.150, 355.021, 355.066, 357.060, 358.020, 358.440, 359.011, 359.651, 394.020, 394.250, and 417.220, RSMo, and to enact in lieu thereof eighteen new sections relating to business fees.

HCS Part 1 defeated.

With House Amendment Nos. 2, 3, 4, 6, 8 and 9, to Part 2 adopted.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 799, Page 1, In the Title, Line 4, by deleting the phrase “business fees” and inserting in lieu thereof the phrase “political subdivisions”; and

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

“50.622. 1. Any county may amend the annual budget during any fiscal year in which the county receives additional funds, and such amount or source, including, but not limited to, federal or state grants or private donations, could not be estimated when the budget was adopted. The county shall follow the same procedures as required in sections 50.525 to 50.745 for adoption of the annual budget to amend its budget during a fiscal year.

2. Any county may decrease the annual budget twice during any fiscal year in which the county experiences a verifiable decline in funds of two percent or more, and such amount could not be estimated or anticipated when the budget was adopted, provided that any decrease in appropriations shall not unduly affect any one officeholder. Before any reduction affecting an independently elected officeholder can occur, negotiations shall take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall. The county shall follow the same procedures as required in sections

50.525 to 50.745 to decrease the annual budget, except that the notice provided for in section 50.600 shall be extended to thirty days for purposes of this subsection. Such notice shall include a published summary of the proposed reductions and an explanation of the shortfall.

3. Any decrease in an appropriation authorized under subsection 2 of this section shall not impact any dedicated fund otherwise provided by law.

4. County commissioners may reduce budgets of departments under their direct supervision and responsibility at any time without the restrictions imposed by this section.

5. Subsections 2, 3, and 4 of this section shall expire on July 1, [2016] **2027**.

6. Notwithstanding the provisions of this section, no charter county shall be restricted from amending its budget under and pursuant to the terms of its charter.

Section B. Because of the need to prevent a lapse in the authority of the county commission with regard to budgetary matters, the repeal and reenactment of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of 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. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 799, Page 2, Section 144.087, Line 32, by inserting after all of said section and line the following:

“192.300. **1.** The county commissions [and] **with the concurrence of** the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198. The county commissions [and] **with the concurrence of** the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury. All fees generated under the provisions of this section shall be used to support the public health activities for which they were generated. After the promulgation and adoption of such orders, ordinances, rules or regulations by such county commission [or county health board], such commission [or county health board] shall make and enter an order or record declaring such orders, ordinances, rules or regulations to be printed and available for distribution to the public in the office of the county clerk, and shall require a copy of such order to be published in some newspaper in the county in three successive weeks, not later than thirty days after the entry of such order, ordinance, rule or regulation. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission [or county health board] of any such county has full power and authority to initiate the prosecution of any action under this section.

2. Notwithstanding the provisions of subsection 1 of this section, in the event of an emergency, a county commission or the county health center board may make and promulgate any orders, ordinances, rules, or regulations in order to protect public health, safety, or welfare, but the orders, ordinances, rules, or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under chapter 198.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 799, Page 1, In the Title, Line 4, by deleting the words “business fees” and inserting in lieu thereof the words “the collection of public money”; and

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

“99.848. **1.** Notwithstanding subsection 1 of section 99.847, any district providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

2. In cities of the fourth classification, an ambulance district board, as defined in chapter 190, or a fire protection district board, as defined in chapter 321, shall set the reimbursement rate annually prior to the time the assessment is paid into the special allocation fund. If the redevelopment plan, area, or project is amended by ordinance or by other means, the board shall have the right to recalculate the base year under this section.”; 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 Substitute for Senate Bill No. 799, Page 1, In the Title, Line 4, by deleting the words “business fees” and inserting in lieu thereof the words “the collection of public money”; and

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

“67.547. 1. In addition to the tax authorized by section 67.505, any county may, by a majority vote of its governing body, impose an additional county sales tax on all sales which are subject to taxation under the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales tax allowed by law; except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose such tax.

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

Shall the county of (county's name) impose a countywide sales tax of (insert rate) percent?

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”.

(2) In any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, the ballot of submission shall contain, but need not be limited to the following language:

Shall the county of (county's name) renew a countywide sales tax of (insert rate) percent?

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 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 impose the sales 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 impose the sales tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525.

4. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

5. In any first class county having a charter form of government and having a population of nine hundred thousand or more, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-eighths of the proceeds of the tax shall be distributed to the county and the remaining five-eighths shall be distributed to the cities, towns and villages and the unincorporated area of the county on the ratio that the population of each bears to the total population of the county. The population of each city, town or village and the unincorporated area of the county and the total population of the county shall be determined on the basis of the most recent federal decennial census.

6. In any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-fourths of the proceeds of the tax shall be distributed to the county and the remaining one-fourth shall be distributed equally among the incorporated cities, towns, and villages of the county. Upon request from any city, town, or village within the county, the county shall make available for inspection the distribution report provided to the county by the department of revenue. Any expenses incurred by the county in supplying such report to a city, town, or village shall be paid by such city, town, or village.

7. In any first class county having a charter form of government and having a population of nine

hundred thousand or more, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue 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 county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.”; 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 Substitute for Senate Bill No. 799, Page 23, Section 417.220, Line 19, by inserting after all of said section and line the following:

“Section 1. No person or entity, including but not limited to gas corporations under section 386.020, or contractors or installers, shall convert, or cause to be converted, any vent-free appliance covered by the ANSI standard Z21.11.2b-2013 or subsequent editions from the original fuel source to any other when such conversion is specifically prohibited by the manufacturer.”; 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 Substitute for Senate Bill No. 799, Page 1, Section 136.005, Line 8, by inserting after all of said section and line the following:

“144.083. 1. The director of revenue shall require all persons who are responsible for the collection of taxes under the provisions of section 144.080 to procure a retail sales license at no cost to the licensee which shall be prominently displayed at the licensee's place of business, and the license is valid until revoked by the director or surrendered by the person to whom issued when sales are discontinued. The director shall issue the retail sales license within ten working days following the receipt of a properly completed application. Any person applying for a retail sales license or reinstatement of a revoked sales tax license who owes any tax under sections 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and penalties before the department may issue the applicant a license or reinstate the revoked license. All persons beginning business subsequent to August 13, 1986, and who are required to collect the sales tax shall secure a retail sales license prior to making sales at retail. Such license may, after ten days' notice, be revoked by the director of revenue only in the event the licensee shall be in default for a period of sixty days in the payment of any taxes levied under section 144.020 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event of revocation, the director of revenue may publish the status of the business account including the date of revocation in a manner as determined

by the director.

2. The possession of a retail sales license and a statement from the department of revenue that the licensee owes no tax due under sections 144.010 to 144.510 or sections 143.191 to 143.261 shall be a prerequisite to the issuance or renewal of any city or county occupation license or any state license which is required for conducting any business where goods are sold at retail. The date of issuance on the statement that the licensee owes no tax due shall be no more than ninety days before the date of submission for application or renewal of the local license. The revocation of a retailer's license by the director shall render the occupational license or the state license null and void.

3. No person responsible for the collection of taxes under section 144.080 shall make sales at retail unless such person is the holder of a valid retail sales license. After all appeals have been exhausted, the director of revenue may notify the county or city law enforcement agency representing the area in which the former licensee's business is located that the retail sales license of such person has been revoked, and that any county or city occupation license of such person is also revoked. The county or city may enforce the provisions of this section, and may prohibit further sales at retail by such person.

4. In addition to the provisions of subsection 2 of this section, beginning January 1, 2009, the possession of a statement from the department of revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance or renewal of any city or county occupation license or any state license required for conducting any business where goods are sold at retail. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal of the city or county license.

5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts or mechanisms negotiated between manufacturers, wholesalers, and retailers.

6. Beginning January 1, 2017, a statement from the department of revenue stating no tax is due as required in this section shall be submitted by any person or entity that submits any bid to perform any work on any project upon which public funds are expended. All bids submitted shall also include a copy of the bidder's city and county business licenses, if applicable. No bid shall be awarded to any person or entity that submits any bid but fails to submit the statement that no tax is due and a copy of all the bidder's applicable business licenses as required in this subsection.”; 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: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 640**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1584**, as amended. Representatives: Hill, Rhoads, Lauer, Mitten, and Gardner.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 625**, as amended. Representatives: Pierson, Kolkmeier, Korman, Mathews, and Colona.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 640**, as amended. Representatives: Brattin, Haahr, Mathews, Colona, and LaFaver.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 656**, as amended. Representatives: Burlison, Ross, Taylor (139), Morgan, and Newman.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 703**, as amended. Representatives: Reiboldt, Houghton, Redmon, McCreery, and Lavender.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 786**, as amended. Representatives: Dugger, Entlicher, McGaugh, Conway (10), and Newman.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 852**, as amended. Representatives: Chipman, Fitzwater (49), Davis, Walton Gray, and Adams.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 988**, as amended. Representatives: Frederick, Neely, White, Kirkton, and Arthur.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 994**, as amended. Representatives: Alferman, Reiboldt, Cornejo, Hummel, and McCreery.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SB 988**, as amended: Senators Kraus, Brown, Onder, Sifton and Chappelle-Nadal.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 703**, as amended: Senators Munzlinger, Schaaf, Wasson, Keaveny and Walsh.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SB 852**, as amended: Senators Brown, Libla, Wieland, Curls and Chappelle-Nadal.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 656**, as amended: Senators Munzlinger, Onder, Riddle, Schupp and Nasheed.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 786**, as amended: Senators Kraus, Wasson, Hegeman, Walsh and Schupp.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 625**, as amended: Senators Walsh, Curls, Libla, Schatz and Munzlinger.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 994**, as amended: Senators Munzlinger, Wasson, Cunningham, Keaveny and Walsh.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 640**, as amended: Senators Schatz, Parson, Libla, Keaveny and Walsh.

RESOLUTIONS

Senator Nasheed offered Senate Resolution No. 2217, regarding Tyler Hawk Frey, which was adopted.

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

SENATE CALENDAR

SIXTY-SEVENTH DAY—TUESDAY, MAY 10, 2016

FORMAL CALENDAR

VETOED BILLS

SS for HCS for HB 1891 (Brown)

HOUSE BILLS ON SECOND READING

HCS for HB 2566
HCS for HB 1605

HCS for HJR 98

THIRD READING OF SENATE BILLS

SCS for SB 998-Romine
(In Fiscal Oversight)

SCS for SBs 857 & 712-Romine
(In Fiscal Oversight)

SS for SCS for SB 788-Schatz
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1111-Brown
SB 795-Wallingford, with SCS

SB 1076-Parson, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1855-Allen (Schaaf)
(In Fiscal Oversight)

2. HCS for HBs 1366 & 1878, with SCS
(Schaefer) (In Fiscal Oversight)

3. HCS for HB 2379, with SCS (Kehoe)

4. HCS for HB 1912, with SCS (Schatz)

5. HB 1816-Koenig, with SCS (Wasson)

6. HCS for HB 1718 (Romine)

7. HCS for HB 2496 (Hegeman)

8. HCS for HB 2402, with SCS (Pearce)

9. HCS for HB 1561, with SCS (Schatz)

10. HB 2237-Rowden (Pearce)

11. HCS for HB 1451, with SCS (Pearce)
(In Fiscal Oversight)

12. HB 1716-Lichtenegger, with SCS
(Munzlinger) (In Fiscal Oversight)

13. HCS for HB 1695, with SCS (Wasson)

14. HCS for HBs 1589 & 2307, with SCS
(Emery) (In Fiscal Oversight)

15. HCS for HB 2194, with SCS (Wasson)

16. HCS for HB 2445 (Libla)

17. HB 1786-Pike, with SCS (Pearce)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 783-Onder

SENATE BILLS FOR PERFECTION

SB 575-Schaefer, with SCS, SS for SCS &
SA 1 (pending)

SB 580-Schaaf, with SCS & SA 2 (pending)

SB 596-Kraus, with SCS

SB 622-Romine, with SCS

SB 644-Onder, with SCS

SCS for SBs 662 & 587-Dixon

SB 680-Emery

SB 686-Wallingford, with SCS

SB 706-Dixon

SB 719-Emery, with SCS

SB 733-Dixon

SB 734-Dixon

SB 771-Onder

SB 772-Onder, with SCS	SB 951-Wasson, with SA 1 (pending)
SB 774-Schmitt	SB 964-Wallingford, with SCS (pending)
SB 775-Schaefer	SB 966-Schaaf
SB 785-Schaefer, with SCS, SS for SCS, SA 1, SSA 1 for SA 1, SA 1 to SSA 1 for SA 1 & point of order (pending)	SB 972-Silvey
SBs 789 & 595-Wasson, with SCS	SB 980-Keaveny, with SCS, SS for SCS, SA 1 & SA 3 to SA 1 (pending)
SB 792-Richard	SB 995-Riddle
SB 793-Richard	SB 1003-Onder
SB 798-Kraus, with SCS	SB 1004-Onder
SB 802-Sater	SB 1005-Walsh
SB 805-Onder, with SCS	SBs 1010, 958 & 878-Curls, with SCS
SB 806-Onder, with SCS	SB 1012-Dixon
SB 812-Keaveny	SB 1014-Dixon
SB 816-Wieland, et al	SB 1026-Schatz, with SCS
SB 825-Munzlinger, with SA 1 (pending)	SB 1028-Silvey, et al, with SCS
SB 830-Wasson, with SCS	SB 1033-Pearce
SB 848-Emery, with SCS	SB 1066-Curls
SBs 851 & 694-Brown, with SCS	SB 1074-Schmitt, with SCS
SB 853-Brown	SB 1075-Wallingford
SB 858-Romine, with SCS & SS for SCS (pending)	SB 1085-Pearce
SB 868-Wasson	SB 1091-Riddle
SB 871-Wallingford	SB 1094-Kehoe, with SCS
SB 883-Riddle	SB 1096-Dixon and Keaveny, with SS (pending)
SB 894-Munzlinger, with SS (pending)	SB 1117-Wasson, with SCS
SB 896-Hegeman	SB 1120-Hegeman, et al
SB 898-Cunningham	SB 1131-Sifton
SB 908-Sater, with SCS	SB 1144-Brown
SB 916-Schaefer	SJR 23-Sater, with SS (pending)
SB 920-Schmitt and Kraus	SJR 35-Kraus, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1433, with SCS (Sater)	HB 1478-Entlicher, with SCS (Pearce)
HCS for HBs 1434 & 1600, with SCS (Walsh)	HB 1479-Entlicher (Romine)
HB 1435-Koenig (Kraus)	HB 1534-Flanigan, with SCS (Schaefer)
HB 1443-Leara, with SA 1 (pending) (Riddle)	HB 1565-Engler (Dixon)
HB 1452-Hoskins, with SCS (Pearce)	HB 1575-Rowden, with SCA 1 (Munzlinger)
HCS for HB 1463 (Kraus)	HB 1588-Franklin, with SCS (Parson)
HCS for HB 1464, with SCS (Brown)	HCS for HB 1599, with SCS (Sater)
HB 1472-Dugger, with SS & SA 4 (pending) (Dixon)	HB 1619-McCaherty (Dixon)
	HB 1643-Hicks (Brown)
	HCS for HB 1649, with SCS (Parson)

HCS for HB 1658 (Onder)	HCS for HB 2150 (Wieland)
HCS for HB 1675, with SCS (Munzlinger)	HB 2166-Alferman, with SCS, SS#2 for
HB 1678-Solon, with SCS (Pearce)	SCS, SA 1 & SSA 1 for SA 1 (pending)
HCS for HB 1696, with SCS (Riddle)	(Onder)
HCS for HB 1717, with SS (pending)	HCS for HB 2187, with SCS (pending)
(Wallingford)	(Cunningham)
HCS for HB 1729 (Munzlinger)	HCS for HB 2202, with SCS (Dixon)
HB 1745-Brattin, with SCS (Schatz)	HB 2226-Barnes (Silvey)
HCS for HB 1759, with SCS (Dixon)	HB 2230-Ross (Schatz)
HCS for HB 1776 (Romine)	HCS for HBs 2234 & 1985 (Pearce)
HCS for HBs 1780 & 1420 (Pearce)	HB 2257-Jones, with SCS (Wieland)
HB 1795-Haefner, with SCS (Sater)	HCS for HB 2332, with SCS, SS for SCS,
HCS for HB 1804, with SCS, SS for SCS,	SA 1 & point of order (pending)
SA 3 & SSA 1 for SA 3 (pending) (Emery)	(Dixon)
HCS for HB 1850 (Wasson)	HCS for HB 2376, with SCS (Wasson)
HB 1892-Rehder (Schatz)	SS for SCS for HCS for HB 2380-Schatz
HCS for HB 1898 (Emery)	(In Fiscal Oversight)
HCS for HB 1904, with SCS (Wallingford)	HCS for HB 2397 (Cunningham)
HCS for HB 1930 (Riddle)	HB 2429-Dohrman, with SCS (Parson)
HCS for HB 1941, with SCS (Keaveny)	HB 2590-Plocher, with SCS (Keaveny)
HCS for HB 2029 (Sater)	HCS for HB 2689, with SS, SA 1 & SSA 1
HCS for HB 2038 (Munzlinger)	for SA 1 (pending) (Silvey)
HB 2104-Alferman, with SCS (Schmitt)	SS for HJR 53-Dugger (Kraus)
HB 2111-Eggleston (Sater)	HJR 58-Brown (57) (Romine)

CONSENT CALENDAR

House Bills

Reported 4/14

HB 2195-Hoskins (Pearce)	HB 2480-Justus (Sater)
HB 1539-Vescovo (Wieland)	HB 1473-Dugger, with SCS (Wasson)
HB 1538-Vescovo (Wieland)	HB 1388-Roeber (Dixon)
HB 2183-Roeber (Curls)	

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 688 & 854-Romine, with HCS, as amended	SS for SB 799-Kraus, with HCS, as amended
SB 735-Dixon, with HCS, as amended	SB 932-Cunningham, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 572-Schmitt, with HCS, as amended (Senate adopted CCR & passed CCS)	SS for SB 732-Munzlinger, with HCS, as amended (Senate adopted CCR & passed CCS)
SCS for SB 578-Keaveny, with HCS, as amended (Senate adopted CCR & passed CCS)	SCS for SB 765-Schmitt and Nasheed, with HCS, as amended
SB 607-Sater, with HCS, as amended	SS for SB 786-Kraus, with HCS, as amended
SS for SB 608-Sater, with HCS, as amended	SCS for SB 823-Kraus, with HCS, as amended
SS for SB 621-Romine, with HCS, as amended	SB 852-Brown, with HA 1, HA 2, as amended & HA 3
SB 625-Walsh, with HCS, as amended	SB 864-Sater, with HCS, as amended
SB 635-Hegeman, with HCS, as amended	SS for SCS for SBs 865 & 866-Sater, with HCS, as amended (Senate adopted CCR & passed CCS)
SCS for SB 638-Riddle and Silvey, with HA 1, HA 2, HA 3, HA 4, HA 5, as amended, HA 6, HA 7, HA 8, HA 9 & HA 10	SB 867-Sater, with HCS, as amended
SB 639-Riddle, with HCS, as amended	SCS for SB 921-Riddle, with HA 1, as amended, HA 2, HA 3, HA 4, HA 5 & HA 6, as amended
SB 640-Schatz, with HCS, as amended	SCS for SB 973-Wasson, with HCS, as amended
SCS for SB 650-Pearce, with HA 1, HA 2, HA 3, HA 4, HA 5, HA 6, HA 7, HA 8, as amended & HA 9	SB 988-Kraus, with HA 1, HA 2, HA 3, HA 4, as amended & HA 5
SB 656-Munzlinger, with HCS, as amended	SB 994-Munzlinger, with HCS, as amended
SB 677-Sater, with HCS, as amended	HCS for HB 1584, with SCS, as amended (Schmitt)
SB 700-Schatz, with HA 1, as amended & HA 2 (Senate adopted CCR & passed CCS)	
SCS for SB 703-Munzlinger, with HCS, as amended	

Requests to Recede or Grant Conference

HB 1870-Hoskins, with SAs 1, 3, 4 & 5 (Pearce) (Senate requests House take up & pass the bill)

RESOLUTIONS

Reported from Committee

SCRs 53 & 44-Schaefer, with SCS
 SCR 54-Walsh
 SCR 55-Holsman
 SCR 56-Brown
 SCR 59-Emery
 SCR 60-Curls
 SCR 61-Parson
 SCR 63-Curls and Munzlinger

SCR 68-Schupp
 SR 2062-Pearce
 HCS for HCR 57 (Schaefer)
 HCR 61-Engler (Dixon)
 HCR 63-Taylor (Wieland)
 HCR 69-Miller (Brown)
 HCS for HCR 73 (Brown)

To be Referred

SR 2214-Dixon
 SR 2215-Sater

SR 2216-Cunningham

MISCELLANEOUS

CCS for SCS for HCS for HB 2 (Schaefer)
 (Section 2.030/Appropriation 9235)

CCS for SCS for HCS for HB 10 (Schaefer)
 (Section 10.710/Appropriation 9859)

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