

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY—THURSDAY, MAY 3, 2018

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“To pray is to anchor the finite in the will of God.” (J.H. Oldham)

Gracious Lord, We began this morning in prayer and now call upon You to anchor our hearts and minds in You so we might keep our focus on the things that are truly necessary for us to complete this week. And help us be a blessing to others, especially those who work so diligently for us and know the tension and stress that we are going through. Help us O Lord to make this a blessed day for others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Senator Hegeman assumed the Chair.

President Parson assumed the Chair.

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

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schupp offered Senate Resolution No. 1990, regarding Madison Malugen, which was adopted.

Senator Schupp offered Senate Resolution No. 1991, regarding Municipal League of Metro Saint Louis, which was adopted.

Senator Wieland offered Senate Resolution No. 1992, regarding Danielle Prince, Pevely, which was adopted.

Senator Hoskins offered Senate Resolution No. 1993, regarding Cynthia “Cindy” McBee, Hamilton, which was adopted.

Senator Hoskins offered Senate Resolution No. 1994, regarding Bernice White, Carrollton, which was adopted.

Senator Hoskins offered Senate Resolution No. 1995, regarding Joyce Taylor, Fayette, which was adopted.

Senator Hoskins offered Senate Resolution No. 1996, regarding Melissa Gower, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 1997, regarding Reverend Mark McBee, Hamilton, which was adopted.

Senator Hoskins offered Senate Resolution No. 1998, regarding Lawrence Hinnen, Chula, which was adopted.

Senator Nasheed offered Senate Resolution No. 1999, regarding Jorge Ivan Soto, which was adopted.

Senator Wieland offered Senate Resolution No. 2000, regarding Metro Office Supply, Festus, which was adopted.

Senator Brown offered Senate Resolution No. 2001, regarding Reagan Page, which was adopted.

CONCURRENT RESOLUTIONS

Senator Sater offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 55

Whereas, nearly fifteen million Americans, including nearly six million children, suffer from food allergies, many of which are life-threatening; and

Whereas, eight foods, including shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat cause ninety percent of all food allergy reactions in the United States; and

Whereas, symptoms of a food allergy reaction can include hives, vomiting, respiratory distress, swelling of the throat, anaphylaxis, and death; and

Whereas, outreach and education have been shown to improve responses to allergic reactions; and

Whereas, public awareness of food allergies can enhance commitment to research the causes of food allergies and interventions for allergic reactions; and

Whereas, voluntary food allergy training and awareness in restaurants and food service industries is vital to spreading public awareness about food allergies and interventions:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Missouri Department of Health and Senior Services to encourage Missouri

restaurants and food service industries to participate in food allergy training programs to increase public awareness about food allergies and available interventions; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Department of Health and Senior Services.

REPORTS OF STANDING COMMITTEES

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

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

Ronald D. Boyer, as a member of the Air Conservation Commission;

Also,

Adrienne D. Atzemis, Donna J. Erickson, Susan A. Fluegel and Joy A. Sweigart, as members of the Child Abuse and Neglect Review Board;

Also,

Todd Mayfield, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Nick Myers and Phillip L. Slinkard, as members of the Missouri State Board of Accountancy;

Also,

Maynard "Bill" Jones, Democrat; and David C. Hertzog, Republican, as members of the Missouri Veterinary Medical Board;

Also,

Tina L. Klocke, Independent, as a member of the Southeast Missouri State University Board of Regents; and

Cheryl J. Cozette, Republican, as a member of the Truman State University Board of Governors.

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

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

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

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HJR 59**; **HCS** for **HB 2171**; **HB 1267**; **HCS** for **HB 1710**, with **SCS**; **HCS No. 2** for **HB 1503**, with **SCS**; **HB 1409**; and **SS** for **SCS** for **HB 1355**, begs leave to report that it has considered the same and recommends that the joint resolution and bills do pass.

HOUSE BILLS ON THIRD READING

HB 2015, introduced by Representative Fitzpatrick, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants and distributions of the Department of Economic Development to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2018.

Was taken up by Senator Brown.

On motion of Senator Brown, **HB 2015** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curts	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

Senator Brown 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 Brown moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 775**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 644**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 707**, 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 **SS** for **SB 705**.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Reid K. Forrester as a member of the Labor and Industrial Relations Commission to you on May 2, 2018. Lines 1 and 2 should be amended to read:

Reid K. Forrester, Republican, 205 Rose Park, Jefferson City, Cole County, Missouri
65109, as a member of the Labor and Industrial Relations Commission, for a term ending

Respectfully submitted,
Eric R. Greitens
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Melanie McDole as a member of the Missouri State Foster Care and Adoption Board submitted to you on May 2, 2018. Line 4 should be amended to read:

Katie L. Brown, withdrawn.

Respectfully submitted,
Eric R. Greitens
Governor

President Pro Tem Richard referred the above addendums to the Committee on Gubernatorial Appointments.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Parson.

RESOLUTIONS

Senator Curls offered Senate Resolution No. 2002, regarding the death of Robert Milton “Bobby” Palmer, Kansas City, which was adopted.

Senator Nasheed offered Senate Resolution No. 2003, regarding Ralph Tidwell, St. Louis, which was adopted.

Senator Munzlinger offered Senate Resolution No. 2004, regarding Corrections Officer II Dan Wiley, Clarksville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 2005, regarding Functional Unit Manager Tim Wood, Frankford, which was adopted.

Senator Walsh offered Senate Resolution No. 2006, regarding St. Catherine Retirement Community, Florissant, which was adopted.

Senator Hegeman offered Senate Resolution No. 2007, regarding the Sixtieth Wedding Anniversary of Gene and Beverly Miller, Mound City, which was adopted.

Senator Hegeman offered Senate Resolution No. 2008, regarding the Fiftieth Wedding Anniversary of Bill and Cheryl Huffman, Jamesport, which was adopted.

Senator Hegeman offered Senate Resolution No. 2009, regarding Bob Westfall, Maryville, which was adopted.

HOUSE BILLS ON THIRD READING

HB 2122, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **HCS** for **HB 1443**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1645** was placed on the Informal Calendar.

HB 1953, introduced by Representative Neely, entitled:

An Act to amend chapter 192 and 208, RSMo, by adding thereto two new sections relating to public health and welfare.

Was taken up by Senator Onder.

At the request of Senator Onder, **HB 1953** was placed on the Informal Calendar.

At the request of Senator Kehoe, **HB 1409** was placed on the Informal Calendar.

HB 1797, introduced by Representative Fitzwater, with **SCS**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto four new sections relating to the nuclear power plant security guard act, with penalty provisions.

Was taken up by Senator Riddle.

SCS for **HB 1797**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1797

An Act to repeal sections 563.011, 563.041, 569.010, and 569.140, RSMo, and to enact in lieu thereof four new sections relating to unlawful activity on nuclear power plant property, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS** for **HB 1797** be adopted.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1797, Page 2, Section 563.011, Line 30, by striking the word “part” and inserting in lieu thereof the following: “**located on the real property**”; and

Further amend said bill, page 4, section 569.010, line 16, by striking the words “include the real”; and further amend line 17, by striking all of said line and inserting in lieu thereof the following: “**be limited to property within the structure or fenced yard, as defined in section 563.011**”.

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

Senator Riddle moved that **SCS** for **HB 1797**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **HB 1797**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

Senator Onder moved that **HB 1953** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Onder offered **SS** for **HB 1953**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1953

An Act to amend chapters 192 and 208, RSMo, by adding thereto two new sections relating to the dissemination of information on the treatment of certain diseases.

Senator Onder moved that **SS** for **HB 1953** be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **HB 1953** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Dixon—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

At the request of Senator Rowden, **HB 2026**, with **SCS**, was placed on the Informal Calendar.

HB 2101, introduced by Representative Beard, entitled:

An Act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

Was taken up by Senator Hoskins.

On motion of Senator Hoskins, **HB 2101** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

Senator Hoskins 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 Walsh moved that the Senate refuse to concur in **HA 1, HA 2, HA 3, HA 4** and **HA 5** to **SCS** for **SB 892** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crawford moved that **SCS** for **SB 917**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 917**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 917

An Act to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

Was taken up.

Senator Crawford moved that **HCS** for **SCS** for **SB 917** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Dixon	Eigel	Emery	Hegeman
Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder	Richard
Riddle	Rizzo	Romine	Rowden	Sater	Schaaf	Schatz
Wallingford	Wasson	Wieland—24				

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Schupp	Sifton
Walsh—8						

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Crawford, **HCS** for **SCS** for **SB 917** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder

Richard Schatz	Riddle Wallingford	Rizzo Wasson	Romine Wieland—25	Rowden	Sater	Schaaf
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NAYS—Senators

Chappelle-Nadal Walsh—8	Curls	Holsman	Hummel	Nasheed	Schupp	Sifton
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Libla moved that **SS** for **SCS** for **SBs 894 and 921**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 894 and 921**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 894 and 921

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to education curriculum involving science and technology.

Was taken up.

Senator Libla moved that **HCS** for **SS** for **SCS** for **SBs 894 and 921**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Libla, **HCS** for **SS** for **SCS** for **SBs 894** and **921**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Rowden moved that **SB 840**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

HA 2 was taken up.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Rowden, **SB 840**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Cunningham moved that **SS** for **SCS** for **SB 782**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 782**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 782

An Act to repeal sections 260.262, 260.380, 260.475, 319.129, 444.768, 444.772, 640.620, 644.054, and 644.057, RSMo, and to enact in lieu thereof twelve new sections relating to the department of natural resources.

Was taken up.

Senator Cunningham moved that **HCS** for **SS** for **SCS** for **SB 782**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Eigel	Emery	Hegeman	Hoskins
Kehoe	Munzlinger	Onder	Richard	Riddle	Romine	Rowden
Sater	Schaaf	Schatz	Wallingford	Wasson	Wieland—20	

NAYS—Senators

Chappelle-Nadal	Cierpiot	Curls	Holsman	Hummel	Koenig	Nasheed
Rizzo	Schupp	Sifton	Walsh—11			

Absent—Senator Dixon—1

Absent with leave—Senator Libla—1

Vacancies—1

On motion of Senator Cunningham, **HCS** for **SS** for **SCS** for **SB 782**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Dixon	Eigel	Emery	Hegeman
Hoskins	Kehoe	Munzlinger	Onder	Richard	Riddle	Romine
Rowden	Sater	Schaaf	Schatz	Wallingford	Wasson	Wieland—21

NAYS—Senators

Chappelle-Nadal	Cierpiot	Curls	Holsman	Hummel	Koenig	Nasheed
Rizzo	Schupp	Sifton	Walsh—11			

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Hegeman moved that **SCS** for **SB 990**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

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

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

On motion of Senator Hegeman, **SCS** for **SB 990**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators

Koenig Sifton—2

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

President Pro Tem Richard assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 2183**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 2216**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1456**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1872**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 1998**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 1516**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HCS** for **HB 1388**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HB 1719**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **HB 2179**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 2043**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 1558**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 1389**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 734**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Parson assumed the Chair.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 50**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 52**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 70**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

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 adopted **SS No. 2**, as amended for **SCS** for **HB 1880** and has taken up and passed **SS No. 2** for **SCS** for **HB 1880**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 775**, 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 adopted **SS**, as amended for **HB 1744** and has taken up and passed **SS** for **HB 1744**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS**, as amended for **HCS** for **HB 2034** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2034**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 768**.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2 and House Amendment No. 2 as amended.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 768, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words “sections relating to taxation of telecommunications companies.”; and

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

**HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2**

Amend House Amendment No. 2 to Senate Bill No. 768, Page 2, Line 25, by deleting the word “**service**” and inserting in lieu thereof the word “**services**”; and

Further amend said amendment and page, Line 28, by deleting the word “**service**” and inserting in lieu thereof the word “**services**”; and

Further amend said amendment and page, Line 37, by inserting after the phrase “(Mo. banc 2005).” the following:

“The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co.*

v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.”; and

Further amend said amendment and page, Line 44 by deleting the word “consumption” and inserting in lieu thereof the following:

“consumption. The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001); Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed*”; and

Further amend said amendment, Page 9, Line 9, by deleting all of said line and inserting in lieu thereof the following:

“(2) “Producing” includes, but is not limited to, the production of, including the production and transmission of, telecommunication services;

(3) “Product” includes, but is not limited to, telecommunications services;

(4) “Recovered materials”, those materials which have been diverted or removed from the”; and

Further amend said amendment and page, Lines 22-24, by deleting all of said lines and inserting in lieu thereof the following:

“144.030. The construction and application of this subsection as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue, 43 S.W.3d 799 (Mo. banc 2001); Southwestern Bell Tel. Co. v. Director of Revenue, 78 S.W.3d 763 (Mo. banc 2002); and Southwestern Bell Tel. Co. v. Director of Revenue, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.*”; and

Further amend said amendment Page 10, Line 9, by inserting immediately after all of said section and line the following:

“Further amend said bill, Page 5, Section 153.030, Line 119, by inserting immediately after all of said section and line the following:

“[144.026. The director of revenue shall not send notice to any taxpayer under subsection 2 of section 144.021 regarding the decision in *IBM Corporation v. Director of Revenue, 491 S.W.3d 535 (Mo. banc 2016) prior to August 28, 2018.*]”; and””; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 768, Page 2, Section 138.445, Line 26, by inserting immediately after all of said section and line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, motor vehicle and public highway shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways.

For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. **For the purposes of this subdivision, subdivision (6) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term “product” includes telecommunications services and the term “manufacturing” shall include the production, or production and transmission, of telecommunications service. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term “manufacturing” has included and continues to include the production and transmission of “telecommunications service”, as enacted in this subdivision and subdivision (6) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (6) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court’s interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005).** Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities

owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(19) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug

Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser’s purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller’s utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller’s utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller’s spouse if the seller or the seller’s spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on

navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(44) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) “Internet”, computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) “Internet access”, a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) “Tax”, any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state’s executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse,

distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an “affiliated person” means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.

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

(1) “Processing”, any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

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

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030. **For the purposes of this section, the term “product” shall include telecommunications services and the term “manufacturing” or “producing” shall include the production, or the production and transmission, of telecommunications services.**

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales

tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.

5. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all materials, manufactured goods, machinery and parts, electrical energy and gas, whether natural, artificial or propane, water, coal and other energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and other ingredients and materials inserted by commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which process at least five hundred pounds of textiles per hour and at least sixty thousand pounds per week.”; and

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

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3**, **HA 4** and **HA 5** to **SCS** for **SB 892**, 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 **HCS** for **SS** for **SCS** for **SB 707**, as amended. Representatives: Engler, Korman, Ruth, Franks Jr., Carpenter.

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 **SCS** for **SB 775**, as amended. Representatives: Fitzpatrick, Alferman, Wood, Kendrick, Walker (74).

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 707**, as amended: Senators Schatz, Libla, Munzlinger, Hummel and Curls.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 775**, as amended: Senators Brown, Schaaf, Sater, Curls and Walsh.

INTRODUCTION OF GUESTS

Senator Walsh introduced to the Senate, Mitchell Weller, St. Louis.

Senator Riddle introduced to the Senate, teachers and fourth-grade students from Jonesburg Elementary School.

Senator Hummel introduced to the Senate, former State Senator, The Honorable Joseph P. Keaveny, St. Louis.

Senator Kehoe introduced to the Senate, Cub Scout Pack 20, West Elementary School, Jefferson City.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, May 7, 2018.

SENATE CALENDAR

SIXTY-FIFTH DAY—MONDAY, MAY 7, 2018

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 2538-Pietzman	HCS for HB 1739
HB 2499-Hansen	HCS for HB 1554
HB 2438-Remole	HCB 23-Dogan
HCS for HB 2407	

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SS for SB 699-Sifton (In Fiscal Oversight)
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SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS	9. SB 864-Hoskins
2. SB 678-Eigel	10. SB 998-Schatz, with SCS
3. SB 1102-Kehoe, with SCS	11. SB 703-Hegeman
4. SB 1015-Wieland, with SCS	12. SB 915-Crawford
5. SB 709-Schatz, with SCS	13. SB 934-Hegeman
6. SB 640-Sater	14. SB 988-Rowden, with SCS
7. SB 963-Wieland, with SCS	15. SB 790-Cierpiot, with SCS
8. SB 952-Rowden	16. SB 734-Schatz, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1267-Lichtenegger (Munzlinger)	5. HB 1887-Bahr (Onder)
2. HB 1415-Lauer (Wasson)	6. HB 1247-Pike (Onder)
3. HB 1968-Grier (Schatz)	7. HB 1831-Ruth (Wieland)
4. HB 2330-Beck (Sifton)	8. HCS for HB 1635, with SCS (Wallingford)

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| 9. HCS for HB 2171 (Sater) | 23. HJR 59-Brown (57) (Romine) |
| 10. HCS for HB 1364, with SCS
(Munzlinger) (In Fiscal Oversight) | 24. HCS for HB 2017 (Brown) |
| 11. HB 1646-Eggleston (Hegeman) | 25. HCS for HB 2018 (Brown) |
| 12. HB 1809-Tate (Schatz) | 26. HB 2183-Bondon (Crawford) |
| 13. HB 1252-Plocher (Riddle) | 27. HCS for HB 2216, with SCS |
| 14. HCS for HB 1251, with SCS (Crawford) | 28. HCS for HB 1456, with SCS (Wallingford) |
| 15. HCS#2 for HB 1503, with SCS (Hoskins) | 29. HCS for HB 1872 (Hegeman) |
| 16. HCS for HB 1614 (Hegeman) | 30. HB 1998-Bondon, with SCS (Emery) |
| 17. HCS for HB 1264 (Hegeman) | 31. HB 1516-Wiemann (Riddle) |
| 18. HCS for HB 1611 (Riddle) | 32. HCS for HB 1388, with SCS (Schatz) |
| 19. HCS for HB 2119 (Rowden) | 33. HB 1719-Grier, with SCS (Riddle) |
| 20. HCS for HB 2079, with SCS (Crawford) | 34. HB 2179-Richardson |
| 21. HCS for HB 1710, with SCS (Eigel) | 35. HB 2043-Tate (Wasson) |
| 22. HB 1484-Brown (57) (Romine) | 36. HB 1558-Neely, with SCS (Romine) |
| | 37. HB 1389-Fitzpatrick, with SCS |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &
667-Eigel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

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| SB 546-Munzlinger, with SS#4 (pending) | SB 730-Wallingford, with SCS & SA 1
(pending) |
| SB 550-Wasson, with SCS | SB 751-Schatz |
| SBs 555 & 609-Brown, with SCS | SB 767-Hoskins, with SCS, SS for SCS &
SA 2 (pending) |
| SB 556-Brown, with SA 1 (pending) | SB 774-Munzlinger |
| SB 561-Sater, with SA 1 (pending) | SB 813-Riddle, with SCS & SA 1 (pending) |
| SB 567-Cunningham, with SCS, SS for SCS,
SA 1 & SA 1 to SA 1 (pending) | SB 822-Hegeman, with SCS & SS for SCS
(pending) |
| SB 578-Romine | SB 832-Rowden, with SCS, SS#2 for SCS &
point of order (pending) |
| SB 591-Hegeman, with SCS | SB 837-Rowden |
| SB 596-Riddle, with SCS | SB 848-Riddle |
| SB 599-Schatz | SB 849-Kehoe and Schupp, with SCS, SA 1
& SA 1 to SA 1 (pending) |
| SB 602-Onder, with SCS | SB 859-Koenig, with SCS & SS for SCS
(pending) |
| SB 612-Koenig, with SCS, SS#2 for SCS,
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1
for SA 2 (pending) | |
| SB 663-Schatz, with SCS, SS for SCS &
SA 1 (pending) | |

SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending)
SB 861-Hegeman, with SCS
SB 865-Kehoe
SB 893-Sater, with SCS, SS for SCS & SA 1 (pending)
SB 912-Rowden, with SCS & SS#3 for SCS (pending)

SB 920-Riddle, with SS & SA 2 (pending)
SB 928-Onder, with SCS
SB 949-Emery, with SCS, SS for SCS & SA 2 (pending)
SB 1003-Wasson, with SS & SA 1 (pending)
SB 1021-Dixon and Wallingford, with SCS

HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS (Dixon)
HB 1303-Alferman, with SCS (Rowden)
HB 1329-Remole, with SCS, SS for SCS & SA 5 (pending) (Munzlinger)
SS for SCS for HB 1350-Smith (163) (Rowden)
SS for SCS for HB 1355-Phillips (Schatz)
HB 1409-Fitzpatrick (Kehoe)
HB 1413-Taylor, with SCS, SS for SCS & SA 1 (pending) (Onder)
HB 1428-Muntzel, with SS, SA 1 & SSA 1 for SA 1 (pending) (Munzlinger)
HB 1442-Alferman, with SCS, SS for SCS & SA 1 (pending) (Schatz)
HCS for HB 1443, with SCS (Sater)
HCS for HB 1461 (Rowden)
HB 1578-Kolkmeier (Munzlinger)

HCS for HB 1597, with SCS (Dixon)
HCS for HB 1605, with SCS (Kehoe)
SS for HCS for HB 1606 (Romine) (In Fiscal Oversight)
HCS for HB 1617, with SCS, SS#2 for SCS & SA 1 (pending) (Onder)
HB 1630-Evans (Rowden)
HCS for HB 1645 (Rowden)
HB 1691-Miller, with SCS & SS for SCS (pending) (Emery)
HCS for HBs 1729, 1621 & 1436 (Brown)
HB 1769-Mathews, with SCS (Schatz)
HCS for HB 1796, with SS (pending) (Rowden)
HCS for HB 1991, with SCS (Rowden)
HB 2026-Wilson, with SCS (Rowden)
HB 2044-Taylor, with SCS (pending) (Dixon)
HB 2122-Engler, with SCS (Schatz)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 659-Hegeman, with HCS, as amended
SB 660-Riddle, with HCS, as amended

SB 768-Hoskins, with HA 1 and HA 2, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 569-Cunningham, with HCS, as amended

SS for SB 608-Hoskins, with HCS

SS for SCS for SB 707-Schatz, with HCS,
as amended
SS for SCS for SB 775-Brown, with HCS,
as amended
SS for SCS for SB 826-Sater, with HCS,
as amended
SS for SB 870-Hegeman, with HCS,
as amended
SCS for SB 892-Walsh, with HA 1, HA 2,
HA 3, HA 4 & HA 5
HB 1291-Henderson, with SS for SCS,
as amended (Romine)
(House adopted CCR and passed CCS)
HB 1858-Christofanelli, with SS (Eigel)
HCS for HB 1879, with SS for SCS,
as amended (Cunningham)

HCS for HB 2002, with SCS (Brown)
HCS for HB 2003, with SCS (Brown)
HCS for HB 2004, with SCS (Brown)
HCS for HB 2005, with SCS (Brown)
HCS for HB 2006, with SCS, as amended
(Brown)
HCS for HB 2007, with SCS, as amended
(Brown)
HCS for HB 2008, with SCS (Brown)
HCS for HB 2009, with SCS (Brown)
HCS for HB 2010, with SS for SCS (Brown)
HCS for HB 2011, with SCS (Brown)
HCS for HB 2012, with SCS (Brown)
HCS for HB 2013, with SCS (Brown)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)
SCR 35-Hegeman
SCR 50-Hegeman

SCR 52-Emery
HCR 70-Franks, Jr.

To be Referred

SCR 55-Sater

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