

Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY—WEDNESDAY, MAY 1, 2019

The Senate met pursuant to adjournment.

Senator Hoskins in the Chair.

Reverend Carl Gauck offered the following prayer:

“Unless the Lord builds the house, those who build it labor in vain.” (Psalms 127:1a)

Gracious God, let us never forget that You are the architect and builder less we be filled with pride that makes us stumble and fail in our efforts. Guide us to fulfill those things that are most necessary for us to do in these closing two and a half weeks of this session. Let us always be mindful to accomplish what must first be completed as You have designed and to take each task as its importance calls us forth to do. 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.

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

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Romine offered Senate Resolution No. 825, regarding the Sixtieth Wedding Anniversary of Paul and Patricia Enright, St. Louis, which was adopted.

Senator Romine offered Senate Resolution No. 826, regarding Diane Rene Campbell, Irondale, which was adopted.

Senator Romine offered Senate Resolution No. 827, regarding Angela Lynn Schlosser, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 828, regarding Chris Taylor, Sullivan, which was adopted.

Senator Romine offered Senate Resolution No. 829, regarding Diane Hill, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 830, regarding Howard Lewis, Cadet, which was adopted.

Senator Romine offered Senate Resolution No. 831, regarding Jeffrey Raymond Singer, Potosi, which was adopted.

Senator Crawford offered Senate Resolution No. 832, regarding the Lebanon-Laclede County Route 66 Society, which was adopted.

Senator Cunningham offered Senate Resolution No. 833, regarding Danny Letsinger, Ava, which was adopted.

Senator Rowden offered Senate Resolution No. 834, regarding Mike Randerson, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 835, regarding Mary Pat Abele, Boonville, which was adopted.

Senator Rowden offered Senate Resolution No. 836, regarding Larry Ray Long, Boonville, which was adopted.

Senator Rowden offered Senate Resolution No. 837, regarding Carole Harris, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 838, regarding Barrett Glascock, Ashland, which was adopted.

Senator Hegeman offered Senate Resolution No. 839, regarding the Fiftieth Wedding Anniversary of Earl and Linda Lammers, Amazonia, which was adopted.

Senator Schupp offered Senate Resolution No. 840, regarding Howard Hoemann, Wildwood, which was adopted.

The Senate observed a moment of silence in memory of James Christopher Hobbs.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 397**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 53**, as amended, and grants the Senate a conference thereon.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 67**, with **SCS**; **HB 186**, with **SCS**; and **HB 646** to the Committee on Fiscal Oversight.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 53**, as amended: Senators Crawford, Sater, Hough, Sifton and Rizzo.

PRIVILEGED MOTIONS

Senator Wallingford moved that **SB 134**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 134**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 134

An Act to repeal sections 260.240 and 260.273, RSMo, and to enact in lieu thereof two new sections relating to solid waste.

Was taken up.

Senator Wallingford moved that **HCS** for **SB 134** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Hegeman	Holsman	Hoskins	Hough	Libla	Luetkemeyer
May	O'Laughlin	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	White	Wieland

Williams—29

NAYS—Senator Schupp—1

Absent—Senators

Eigel	Emery	Koenig	Nasheed—4
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Wallingford, **HCS for SB 134** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Hegeman	Holsman	Hoskins	Hough	Koenig
Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

NAYS—Senator Schupp—1

Absent—Senators

Emery Nasheed—2

Absent with leave—Senators—None

Vacancies—None

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 Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Kehoe assumed the Chair.

Senator Cunningham moved that **SB 133**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 133, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 133

An Act to repeal sections 89.020, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756, 195.758, 195.764, 195.767, 195.770, 264.061, 266.031, 266.165, 266.190, 280.005, 280.010, 280.020, 280.030, 280.035, 280.037, 280.038, 280.040, 280.050, 280.060, 280.070, 280.080, 280.090, 280.095, 280.100, 280.110, 280.120, 280.130, 280.140, 281.035, 281.037, 281.038, 281.050, and 281.260, RSMo, and to enact in lieu thereof twenty-five new sections relating to agriculture, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Cunningham moved that **HCS for SB 133** be adopted.

At the request of Senator Cunningham, the above motion was withdrawn.

Senator Cunningham moved that the Senate refuse to concur in **HCS for SB 133**, and request the House

to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Curls moved that **SB 3** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Curls offered **SS** for **SB 3**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 3

An Act to repeal sections 82.1025, 82.1027, 82.1028, 82.1029, 82.1030, and 82.1031, RSMo, and to enact in lieu thereof five new sections relating to property regulations in certain cities and counties.

Senator Curls moved that **SS** for **SB 3** be adopted.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 3, Page 8, Section 82.1025, Line 13 of said page, by inserting after all of said line the following:

“82.1026. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances to provide for the [building official of the] city [or any authorized representative of the building official] to petition the circuit court in the county in which a vacant nuisance [building or structure] **property** is located for the appointment of a receiver to rehabilitate the building or structure, to demolish [it] **the building or structure**, or to sell [it] **the property** to a [qualified] buyer **who can demonstrate an ability to abate the nuisance and vacancy. The court shall maintain jurisdiction over the matter and the property until the city dismisses the case or the nuisance and vacancy is abated.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Rizzo offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 3, Page 3, Section 82.462, Line 22, by inserting after the word “inhabitants,” the following: “**in any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants,**”.

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

Senator Curls moved that **SS** for **SB 3**, as amended, be adopted, which motion prevailed.

On motion of Senator Curls, **SS** for **SB 3**, as amended, was declared perfected and ordered printed.

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 **HB 489**, entitled:

An Act to repeal sections 510.263, 510.265, 538.205, and 538.210, RSMo, and to enact in lieu thereof five new sections relating to punitive damages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1049**, entitled:

An Act to repeal sections 454.600 and 454.603, RSMo, and to enact in lieu thereof two new sections relating to health benefit plans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 368**.

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

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 368, Page 1, In the Title, Line 3, by deleting said line and inserting in lieu thereof the following:

“to transportation.”; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after said section and line the following:

“194.225. 1. A donor may make an anatomical gift:

(1) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the **face of the donor’s driver’s license or identification card, or by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of the donor’s driver’s license or identification card indicating that the donor has made an anatomical gift;**

(2) In a will;

(3) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults at least one of whom is a disinterested witness; or

(4) As provided in subsection 2 of this section.

2. A donor or other person authorized to make an anatomical gift under section 194.220 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by

another individual at the direction of the donor or the other person and shall:

(1) Be witnessed by at least two adults at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) State that it has been signed and witnessed as provided in subdivision (1) of subsection 1 of this section.

3. Revocation, suspension, expiration, or cancellation of the driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

4. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

5. The department of health and senior services shall include on its website information about organ donation and a link where persons making an anatomical gift can register. Once a person has registered as a donor on the website, the department of health and senior services shall contact the department of revenue to determine whether the organ donor symbol is printed on the front of the registrant's driver's license or identification card. If the donor symbol does not appear on the front of the registrant's driver's license or identification card, the department of health and senior services shall mail to the registrant, through first class mail, a donor symbol sticker to be placed on the back of his or her driver's license or identification card as provided under this section and section 302.171.

6. All state agencies and departments may provide a link on the homepage of their website directing the public to the organ donation information and registration link on the department of health and senior services website.”; and

Further amend said bill, Page 8, Section 301.560, Line 255, by inserting after said section and line the following:

“302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while

intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304 except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ and tissue donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by [completing the form on the reverse of the license that the applicant will receive in the manner] **placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of his or her driver's license or identification card as** prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol [shall] **may** be placed on the front of the [document] **license or identification card** indicating the applicant's desire to be listed in the registry **at the applicant's request at the time of his or her application for a driver's license or identification card, or the applicant may instead request an organ donor sticker from the department of health and senior services by application on the department of health and senior services's website. Upon receipt of an organ donor sticker sent by the department of health and senior services, the applicant shall place the sticker on the back of his or her driver's license or identification card to indicate that he or she has made an anatomical gift.** The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection

is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309.

5. All appeals of denials under this section shall be made as required by section 302.311.

6. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036.

7. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

8. Notwithstanding any provision of this chapter that requires an applicant to provide proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

10. Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 8 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status.”; and

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

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after said section and line the following:

“144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term “purchase price” shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisal by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing **or rental** company **and pay an annual fee of two hundred fifty dollars for such authority**. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. **Every applicant to be a lease or rental company shall furnish with the application a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the lease or rental company complying with the provisions of any statutes applicable to lease or rental companies, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded**

when such acts constitute grounds for the suspension or revocation of the lease or rental license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

[7.] **8.** If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.

[8.] **10.** Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection

that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of

appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. [The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.]

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

6. Notwithstanding any other provisions of law to the contrary, any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, that has applied to the director of revenue for authority to operate as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of this section.

(1) The director of revenue may issue license plates after presentment of an application, as designed by the director, and payment of an annual fee of three hundred sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and issuance of such plates shall be in lieu of registering each motor vehicle with the director as otherwise provided by law.

(2) Such motor vehicles within the fleet shall not be exempted from the safety inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but notwithstanding the provisions of section 307.355, such inspections shall not be required to be presented to the director of revenue.

7. A recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 operating as a registered fleet owner under this section shall register such fleet with the director of revenue on an annual or biennial basis in lieu of the individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet registration is elected, the agent fee shall be collected in an amount equal to the fee for two years.

8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section, the applicant shall provide proof of insurance as required under section 303.024 or 303.026.

9. The authority of a recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in this section shall expire on January 1 of the licensure period.

10. A lease or rental company operating fleet license plates issued under subsections 6 to 10 of this section shall make available, upon request, to the director of revenue and all Missouri law enforcement agencies any corresponding vehicle and registration information that may be requested as prescribed by rule.

11. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as

that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

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

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 368, Page 8, Section 301.560, Line 255, by inserting after said section and line the following:

“307.015. 1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders, attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall be equipped with mud flaps for the rear wheels when operated on the public highways of this state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire or tires being protected; shall be so installed that they extend from the underside of the vehicle body in a vertical plane behind the rear wheels to within **twelve inches of the ground for dump trucks and within** eight inches of the ground **for all other vehicles required to be equipped with mud flaps under this section**; and shall be constructed of a rigid material or a flexible material which is of a sufficiently rigid character to provide adequate protection when the vehicle is in motion. No provisions of this section shall apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps, to farm implements, or to any vehicle which is not required to be registered.

2. For purposes of this section, “dump truck” means a truck whose contents can be emptied without handling, where the front end of the platform can be hydraulically raised so that the load is discharged by gravity.

3. Any person who violates this section is guilty of an infraction and, upon plea or finding of guilt, shall be punished as provided by law.”; and

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

HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 368, Page 8, Section 301.560, Line 255, by inserting after said section and line the following:

“301.3139. 1. Any Boy Scout of appropriate age as prescribed by law or parent of a Boy Scout may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Boy Scouts of America Council of which the person is a member or the parent of a member. The Boy Scouts of America hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Boy Scouts of America derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Boy Scouts of America. Any Boy Scout or parent of a Boy Scout may annually apply for the use of the emblem and pay the twenty-five dollar emblem-use authorization fee at any local district council in the state.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Boy Scouts of America, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Boy Scouts of America and the words “BOY SCOUTS OF AMERICA” in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. [Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.] **Notwithstanding subdivision (2) of subsection 1 of section 301.3150, the Boy Scouts of America shall not be required to submit a list of applicants who plan to purchase the specialty plate established under this section.**

3. A vehicle owner, who was previously issued a plate with the Boy Scouts of America emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Boy Scouts of America emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

301.3148. 1. Any member of Missouri DeMolay may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to Missouri DeMolay. Missouri DeMolay hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section **for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight.** Any contribution to Missouri DeMolay derived from this section, except reasonable administrative costs, shall be used solely for Missouri DeMolay scholarships and other charitable programs. Any member of Missouri DeMolay may annually apply to Missouri DeMolay for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri DeMolay, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri DeMolay, to the vehicle owner.

3. The license plate authorized by this section shall be [in a form prescribed by the advisory committee established in section 301.129, except that such license plates shall be] **of a design submitted by Missouri**

DeMolay and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate.

4. A vehicle owner, who was previously issued a plate with the Missouri DeMolay emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri DeMolay emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

5. Prior to the issuance of a “Missouri DeMolay” specialty plate authorized under this section, the department of revenue shall be in receipt of an application with the proposed art design for the specialty license plate. The manufacture and transfer of specialty license plates under this section shall not require any submission of signatures. The department may require payment of a five thousand dollar fee prior to production of the specialty license plates and may charge the fifteen dollar specialty plate fee per application and other required documents or fees for such plates.”; and

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

HOUSE AMENDMENT NO. 6

Amend Senate Bill No. 368, Page 8, Section 301.560, Line 255, by inserting after said section and line the following:

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

(1) “Biometric data”, shall include, but not be limited to, the following:

(a) Facial feature pattern characteristics;

(b) Voice data used for comparing live speech with a previously created speech model of a person’s voice;

(c) Iris recognition data containing color or texture patterns or codes;

(d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;

(f) Eye spacing;

(g) Characteristic gait or walk;

(h) DNA;

(i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;

(2) “Commercial purposes”, shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act;

(3) “Source documents”, original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver’s license or

nondriver's license. Source documents shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. Documents retained as provided or required by subsection 4 of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.

3. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned except as provided in this section;

(2) Test score documents issued by state highway patrol driver examiners **and Missouri commercial third-party tester examiners**;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States;

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit;

(5) Documents submitted by a commercial driver's license **or commercial driver's instruction permit** applicant who is a Missouri resident and is [active duty military or a veteran, as "veteran" is defined in 38 U.S.C. Section 101] **a qualified current or former military service member**, which allows for waiver of the commercial driver's license knowledge test, skills test, or both; and

(6) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit.

4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action conflicts with Missouri law.

(2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not

compliant with REAL ID. The department shall inform all applicants:

(a) With regard to the REAL ID compliant driver's license or identification card:

a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for digital retention by the federal REAL ID Act of 2005, as amended;

c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and

d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

(b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act:

a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant;

c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card.

5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and Social Security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards.

6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section.

8. Other than to process a request by a license or card holder or applicant, no person shall access, distribute, or allow access to or distribution of any written, digital, or electronic data collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony.

9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be digitally retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable.

12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual.

13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005 after August 28,

2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof.

14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such Act.

15. The provisions of this section shall expire five years after August 28, 2017.

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be **nonrenewable and** valid for the vehicle being operated for a period of not more than [six months] **one year**, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. [A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period.] The fee for such permit or renewal shall be [five] **ten** dollars. [In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.] **The fee for a duplicate commercial driver's instruction permit shall be five dollars.**

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. **Beginning January 1, 2020, all applicants for a commercial driver's license shall complete any entry-level driver training program established and required under 49 CFR 380.609.** All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

(5) The director shall have the authority to waive the driving skills test **and written tests** for any qualified **current or former military service member** applicant for a commercial driver's **instruction permit or a commercial driver's** license who is currently licensed at the time of application for a commercial driver's **instruction permit or** license. The director shall impose conditions and limitations **and require certification and evidence** to restrict the applicants from whom the department may accept the alternative requirements for the skills [test] **and written tests** described in federal [regulation] **regulations 49 CFR 383.71 and 49 CFR 383.77.** [An applicant must certify that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(a) The applicant has not had more than one license;

(b) The applicant has not had any license suspended, revoked, or cancelled;

(c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);

(d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;

(e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle

traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;

(f) The applicant has been regularly employed within the last ninety days in a military position requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;

(g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;

(h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;

(i) The applicant must meet all federal and state qualifications to operate a commercial vehicle[;], and

[(j)] the applicant will be required to complete all applicable knowledge tests, except when an applicant provides proof of approved military training for waiving the knowledge and skills tests as specified in subdivision (5) of subsection 2 of this section.

3. A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.

302.768. 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver, **until such time as the medical examiner's certificate information is received electronically through the Federal Motor Carrier Safety Administration approved verification system.** The state shall retain the [original or copy of the] documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide [an] updated medical certificate or variance [documents] **information** to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

5. The director shall post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be cancelled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void."; and

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

HOUSE AMENDMENT NO. 7

Amend Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after said section and line the following:

“301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Other authorized health care practitioner” includes advanced practice registered nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians, physical therapists licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter 336;

(4) “Physically disabled”, a natural person who is blind, as defined in section 8.700, or a natural person with medical disabilities which prohibits, limits, or severely impairs one’s ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

(a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or

(b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(c) Is restricted by a respiratory or other disease to such an extent that the person’s forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(d) Uses portable oxygen; or

(e) Has a cardiac condition to the extent that the person’s functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(f) A person’s age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;

(5) “Physician”, a person licensed to practice medicine pursuant to chapter 334;

(6) “Physician’s statement”, a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

(7) “Temporarily disabled person”, a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) “Temporary windshield placard”, a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician’s statement;

(9) “Windshield placard”, a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician’s statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician’s statement for only those physical health care conditions for which such health care practitioner

is legally authorized to diagnose and treat.

3. A physician's statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days preceding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. If at any time an individual who obtained disabled license plates issued under this subsection no longer occupies a residence with a physically disabled person, or no longer owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such individual shall surrender the disabled license plates to the department within thirty days of becoming ineligible for their use.

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging

placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than one physically disabled person no longer transports more than one disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made

to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every eighth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of an eight-year period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the eight-year certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of

subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

28. (1) Notwithstanding provisions of this section or any other law to the contrary, the department shall, no later than January 1, 2020, implement an online system for the renewal of disabled license plates and placards issued under this section. Upon implementation of such online system, the department shall charge a one dollar fee per transaction. The website allowing for the submission of

renewal information shall allow the confidential, electronic transmission of any form or document necessary to obtain such license plates or placards.

(2) The department of revenue may promulgate all necessary rules and regulations for the administration of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.”; and

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

HOUSE AMENDMENT NO. 8

Amend Senate Bill No. 368, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“68.040. 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities and the financing of port improvement projects; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter be authorized to invest in notes and bonds or other obligations of this state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. No port authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality, or other governmental agency of this state. The notes and bonds of every port authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers. **Additionally, the sales and leases of both real and personal property by or to any port authority involving the issuance of bonds authorized under this chapter shall be exempt from taxation.**

6. Every port authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.”; 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: 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 53**, as amended. Representatives: Reedy, Hicks, Ross, Ellebracht, Runions.

On motion of Senator Rowden, the Senate recessed until 2:15 p.m.

RECESS

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

RESOLUTIONS

Senator Crawford offered Senate Resolution No. 841, regarding the Fiftieth Wedding Anniversary of Samuel and Patricia Hartsell, Buffalo, which was adopted.

Senator Romine offered Senate Resolution No. 842, regarding Barb Kirkland, Imperial, which was adopted.

Senator Romine offered Senate Resolution No. 843, regarding Gay Ann Weadon, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 844, regarding Ralph Ogden, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 845, regarding Belinda Straughn, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 846, regarding Barbara Pryor, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 847, regarding Mitch Lotz, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 848, regarding Laura Momot, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 849, regarding Connie Moon, Ste. Genevieve, which was adopted.

Senator Cunningham offered Senate Resolution No. 850, regarding Eagle Scout Logan Reichert, Ozark, which was adopted.

Senator Cunningham offered Senate Resolution No. 851, regarding Eagle Scout Michael Adrian Juliano, Rogersville, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 3**, begs leave to report that it has examined the same and finds that the bill has been truly

perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

HCS for HB 255, entitled:

An Act to repeal sections 620.2010 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to the Missouri works program.

Was taken up by Senator Cierpiot.

Senator Cierpiot offered **SS** for **HCS** for **HB 255**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 255

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.071, 143.121, 143.441, 143.451, 143.461, 143.551, 144.010, 144.011, 144.014, 144.020, 144.030, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.757, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 148.064, 184.815, 184.845, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 221.407, 238.235, 238.410, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, 620.2475, and 644.032, RSMo, and to enact in lieu thereof one hundred nine new sections relating to taxation, with an effective date for certain sections and an emergency clause for a certain section, with penalty provisions.

Senator Cierpiot moved that **SS** for **HCS** for **HB 255** be adopted.

Senator Hegeman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Page 173, Section 94.705, Line 25 of said page, by inserting after all of said line the following:

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

(1) “General reassessment”, changes in value, entered in the assessor’s books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent

to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505 and section 164.013 [or as excess home dock city or county fees as provided in subsection 4 of section 313.820] in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any political subdivision that has received approval from voters for a tax increase after August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of revenue that would have been derived by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in Section 22

of Article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. For school districts that levy separate tax rates on each subclass of real property and personal property in the aggregate, if voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be applied to the different subclasses of real property and personal property in the aggregate, or increases the separate rates that may be levied on the different subclasses of real property and personal property in the aggregate by different amounts, the tax rate that shall be used for the single tax rate calculation shall be a blended rate, calculated in the manner provided under subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, or due to clerical errors or corrections in the calculation or recordation of any assessed

valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and Section 22 of Article X of the Constitution of Missouri, the term improvements shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes [pursuant to] **under sections 68.010 to 68.075, sections 99.300 to 99.660, sections 99.800 to 99.865, sections 100.010 to 100.620, sections 135.200 to 135.255, [and] section 353.110, or any other provision of law providing for the total or partial exemption of ad valorem taxes** shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and Section 22, Article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and Section 22 of Article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and Section 22 of Article X of the Missouri Constitution, the

term “property” means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and Section 22 of Article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505 and section 164.013. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to Section 22 of Article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with Section 22 of Article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as established pursuant to this section and Section 22 of Article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction

to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151 and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax

rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

(3) In the event that the taxing authority incorrectly completes the forms created and promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing authority may submit amended forms with an explanation for the needed changes. If such amended forms are filed under regulations prescribed by the state auditor, the state auditor shall take into consideration such amended forms for the purposes of this subsection.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes

are paid under protest as provided in section 139.031 or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill, page 418, section C, line 2 of said page, by inserting after all of said line the following:

“Section D. The repeal and reenactment of section 137.073 of this act shall become effective July 1, 2020.”; and

Further amend the title and enacting clause accordingly.

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

Senator Holsman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Page 173, Section 94.705, Line 25, by inserting after all of said line the following:

“135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) “Commencement of commercial operations” shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) “Facility”, any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) “NAICS”, the North American Industrial Classification System as such classifications are defined

in the 2007 edition of the North American Industrial Classification System;

(5) “New business facility”, a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (11) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(6) “New business facility employee”, a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(7) “New business facility income”, the Missouri taxable income, as defined in chapter 143, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term “Missouri taxable income” means, in the case of insurance companies, direct premiums as defined in chapter 148. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the

taxpayer's Missouri taxable income, computed in accordance with chapter 143, or in the case of an insurance company, computed in accordance with chapter 148, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(8) "New business facility investment", the value of [real and depreciable tangible personal] property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. **For the purposes of sections 135.100 to 135.150, property may be acquired by the taxpayer by purchase, lease, or license, including the right to use software and hardware via on-demand network access to a shared pool of configurable computing resources as long as the rights are used at the new business facility.** The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate **or license**, if leased **or licensed** by the taxpayer. The net annual rental **or license** rate shall be the annual rental **or license** rate paid by the taxpayer less any annual rental **or license** rate received by the taxpayer from subrentals **or sublicenses**. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(9) "Office", a regional, national or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (6) of this section;

(10) “Related taxpayer” shall mean:

- (a) A corporation, partnership, trust or association controlled by the taxpayer;
- (b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(11) “Replacement business facility”, a facility otherwise described in subdivision (3) of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility.

Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer’s new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (9) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of this section;

(12) “Revenue-producing enterprise” means:

- (a) Manufacturing activities classified as NAICS 31-33;
- (b) Agricultural activities classified as NAICS 11;
- (c) Rail transportation terminal activities classified as NAICS 482;
- (d) Motor freight transportation terminal activities classified as NAICS 484 and NAICS 4884;
- (e) Public warehousing and storage activities classified as NAICS 493, miniwarehouse warehousing and

warehousing self-storage;

(f) Water transportation terminal activities classified as NAICS 4832;

(g) Airports, flying fields, and airport terminal services classified as NAICS 481;

(h) Wholesale trade activities classified as NAICS 42;

(i) Insurance carriers activities classified as NAICS 524;

(j) Research and development activities classified as NAICS 5417;

(k) Farm implement dealer activities classified as NAICS 42382;

(l) Interexchange telecommunications services as defined in subdivision (20) of section 386.020 or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020;

(m) Recycling activities classified as NAICS 42393;

(n) Office activities as defined in subdivision (9) of this section, notwithstanding NAICS classification;

(o) Mining activities classified as NAICS 21;

(p) Computer programming, data processing and other computer-related activities classified as NAICS 5415;

(q) The administrative management of any of the foregoing activities; or

(r) Any combination of any of the foregoing activities;

(13) “Same or substantially similar revenue-producing enterprise”, a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue-producing enterprise;

(14) “Taxpayer”, an individual proprietorship, corporation described in section 143.441 or 143.471, and partnership or an insurance company subject to the tax imposed by chapter 148, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916.”; and

Further amend the title and enacting clause accordingly.

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

Senator Luetkemeyer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Page 338, Section 238.410, Line 28, by inserting after all of said line the following:

“351.360. 1. Every corporation organized under this chapter shall have a president and a secretary, who shall be chosen by the directors, and such other officers and agents as shall be prescribed by the bylaws of the corporation. Unless the articles of incorporation or bylaws otherwise provide, any two or more offices may be held by the same person **and the offices of president, chief executive officer, and chairman of the board of directors may each be held by different persons.**”

NAYS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Hegeman	Holsman	Hough	Libla	May	Nasheed	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
White	Wieland	Williams—24				

Absent—Senators

Luetkemeyer	Walsh—2
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Absent with leave—Senators—None

Vacancies—None

SA 4 was again taken up.

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

Senator Onder offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 255, Page 338, Section 238.410, Line 28, by inserting immediately after said line the following:

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

(1) “Employer”, any individual, organization, partnership, state agency, political subdivision, corporation, or other legal entity which employs or has employed one or more individuals performing services for the entity within this state; and

(2) “Labor organization”, any organization of any kind or agency, or employee representation committee or union which exists for the purpose in whole or in part of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

2. No person shall be required as a condition or continuation of employment to:

(1) Become, remain, or refrain from becoming a member of a labor organization;

(2) Pay any dues, fees, assessments, or other similar charges however denominated of any kind or amount to a labor organization; or

(3) In lieu of the payments listed under subdivision (2) of this subsection, pay to any charity or other third party any amount equivalent to, or on a pro rata basis, any dues, fees, assessments, or other charges required of members of a labor organization.

3. Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed under this section is unlawful, null and void, and of no legal effect.

4. Any person who violates or directs another to violate any provision of this section shall be guilty of a class C misdemeanor.

5. (1) Any person injured as a result of any violation or threatened violation of this section shall

be entitled to injunctive relief against any and all violators or persons threatening violations.

(2) Any person injured as a result of any violation or threatened violation of this section may recover any and all damages of any character resulting from such violation or threatened violation including costs and reasonable attorney fees. Such remedies shall be independent of and in addition to the other penalties and remedies prescribed under this section.

6. The prosecuting attorney or circuit attorney with jurisdiction over the location where a violation or threatened violation of this section occurs or the attorney general of this state shall investigate complaints of violation or threatened violation of this section, prosecute any person violating this section, and use all means at their command to ensure the effective enforcement of this section.

7. This section shall not apply:

(1) To employers and employees covered by the federal Railway Labor Act;

(2) To federal employers and employees;

(3) To employers and employees on exclusive federal enclaves;

(4) Where this section conflicts with or is preempted by federal law; or

(5) To any agreement between an employer and a labor organization entered into before the effective date of this section but shall apply to any such agreement upon its renewal, extension, amendment, or modification in any respect after the effective date of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Cierpiot, HCS for HB 255, with SS and SA 5 (pending), was placed on the Informal Calendar.

At the request of Senator Wallingford, HCS for HB 469 was placed on the Informal Calendar.

HCS for HB 677, entitled:

An Act to repeal section 67.641, RSMo, and to enact in lieu thereof two new sections relating to certain tourism infrastructure facilities.

Was taken up by Senator Cierpiot.

Senator Hough offered SA 1:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 677, Page 1, In the Title, Lines 2-3, by striking “certain tourism infrastructure facilities” and inserting in lieu thereof the following: “tourism”; and

Further amend said bill, page 2, section 67.641, line 47, by inserting immediately after said line the following:

“94.842. 1. The governing body of any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city, which shall not be more than seven and one-half percent per occupied room per night, except that such tax shall not

become effective unless the governing body of the city submits to the voters of the city at a state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax under the provisions of this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used solely for capital investments that can be demonstrated to increase the number of overnight visitors. Such tax shall be stated separately from all other charges and taxes.

2. The question shall be submitted in substantially the following form:

Shall the _____ (city) levy a tax of _____ percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the city, where the proceeds of which shall be expended for capital investments to increase tourism?

YES

NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the city shall have no power to impose the tax authorized by this section unless and until the governing body of the city again submits the question to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.

3. On and after the effective date of any tax authorized under the provisions of this section, the city which levied the tax may adopt one of the two following provisions for the collection and administration of the tax:

(1) The city which levied the tax may adopt rules and regulations for the internal collection of such tax by the city officers usually responsible for collection and administration of city taxes; or

(2) The city may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any city enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of such tax, and the director of revenue shall collect the additional tax authorized under the provisions of this section. The tax authorized under the provisions of this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not more than one percent for cost of collection.

4. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel, motel, or tourist court consecutively for thirty-one days or less."; and

Further amend the title and enacting clause accordingly.

Senator Hough moved that the above amendment be adopted.

At the request of Senator Cierpiot, HCS for HB 677, with SA 1 (pending), was placed on the Informal Calendar.

HB 260, introduced by Representative Taylor, with SCS, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

Was taken up by Senator Bernskoetter.

SCS for **HB 260**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 260

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

Was taken up.

Senator Bernskoetter moved that SCS for **HB 260** be adopted.

Senator Brown offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 260, Page 1, Section 252.042, Lines 3-4, by striking “white-tailed deer” and inserting in lieu thereof the following: “**antlered** white-tailed deer, **excluding does,**”; and further amend line 12, by striking “white-tailed deer” and inserting in lieu thereof the following: “**antlered** white-tailed deer, **excluding does,**”.

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

Senator Bernskoetter moved that SCS for **HB 260**, as amended, be adopted, which motion prevailed.

On motion of Senator Bernskoetter, SCS for **HB 260**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Cunningham	Curls
Eigel	Emery	Hegeman	Holsman	Hoskins	Hough	Libla
Luetkemeyer	May	Nasheed	Riddle	Rizzo	Romine	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senators

Crawford O’Laughlin—2

Absent—Senators

Koenig Onder Rowden—3

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for HB 547, with **SCS**, entitled:

An Act to repeal section 478.001, RSMo, and to enact in lieu thereof one new section relating to veteran treatment courts.

Was taken up by Senator Bernskoetter.

SCS for HCS for HB 547, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 547

An Act to repeal sections 56.765 and 478.001, RSMo, and to enact in lieu thereof three new sections relating to alternative methods for the disposal of cases in the judicial system.

Was taken up.

Senator Bernskoetter moved that **SCS for HCS for HB 547** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 547, Page 9, Section 557.014, Line 104, by inserting after all of said line the following:

“650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of [fifty] **one hundred** dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term “actually innocent” shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person’s probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court’s or the board of probation and parole’s sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that their probation or parole was revoked in connection with the crime for which the person has been exonerated; and

(4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bernskoetter moved that **SCS** for **HCS** for **HB 547**, as amended, be adopted, which motion prevailed.

Senator Bernskoetter moved that **SCS** for **HCS** for **HB 547**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Schatz referred **SCS** for **HCS** for **HB 547**, as amended, to the Committee on Fiscal Oversight.

REFERRALS

President Pro Tem Schatz referred **HCS** for **HB 466**, with **SCS**, to the Committee on Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Luetkemeyer moved that **SB 224**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 was again taken up.

At the request of Senator Luetkemeyer, **SS No. 2** was withdrawn.

Senator Luetkemeyer offered **SS No. 3** for **SB 224**, entitled:

SENATE SUBSTITUTE NO. 3 FOR SENATE BILL NO. 224

An Act to amend supreme court rules 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Senator Luetkemeyer moved that **SS No. 3** for **SB 224** be adopted.

Senator Rizzo offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Bill No. 224, Pages 1-12, Section 56.01 of said page, by striking all of said section from the bill; and

Further amend said bill, Pages 13-17, Section 57.01, by striking all of said section from the bill; and

Further amend said bill, Pages 27-31, Section 58.01, by striking all of said section from the bill; and

Further amend said bill, Pages 31-36, Section 59.01, by striking all of said section from the bill; and

Further amend said bill, Pages 36-42, Section 61.01, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Hegeman assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Luetkemeyer, **SS No. 3** for **SB 224** was withdrawn, rendering **SA 1** moot.

Senator Luetkemeyer offered **SS No. 4** for **SB 224**, entitled:

SENATE SUBSTITUTE NO. 4 FOR
SENATE BILL NO. 224

An Act to amend supreme court rules 25.02, 25.03, 56.01, 57.01, 57.03, 57.04, 58.01, 59.01, and 61.01, relating to discovery.

Senator Luetkemeyer moved that **SS No. 4** for **SB 224** be adopted, which motion prevailed.

On motion of Senator Luetkemeyer, **SS No. 4** for **SB 224** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 133**, 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 No. 2** for **SB 7**.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 133**, with **HCS**: Senators Cunningham, Bernskoetter, Crawford, Walsh and Sifton.

RESOLUTIONS

Senator Libla offered Senate Resolution No. 852, regarding Captain Jeffrey N. Vitale, Poplar Bluff, which was adopted.

Senator White offered Senate Resolution No. 853, regarding Larry James, Neosho, which was adopted.

Senator White offered Senate Resolution No. 854, regarding Henry Freund, Neosho, which was adopted.

Senator White offered Senate Resolution No. 855, regarding Paul Peter Randolph Jr., Neosho, which was adopted.

Senator White offered Senate Resolution No. 856, regarding Joanne Bauni, Joplin, which was adopted.

Senator White offered Senate Resolution No. 857, regarding Gary VanMater, Carthage, which was adopted.

Senator White offered Senate Resolution No. 858, regarding Erline Hoepfner, Stark City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Rizzo introduced to the Senate, Chancellor Dr. Kimberly Beatty, President Dr. Utpal Goswami, Dean of Students Dr. Jon Burke; Kimberly Greene, Jonathan Punti, Darrien McKenzie and Michael Rexroad, Metropolitan Community College in Kansas City.

Senator Cunningham introduced to the Senate, the Physician of the Day, Dr. David Barbe, Mountain Grove.

Senator Bernskoetter introduced to the Senate, William and Linda McAnany, Jefferson City.

Senator Bernskoetter introduced to the Senate, his aunt, Mary Lee Roberts; and Larry Zimmer, Jefferson City.

Senator Walsh introduced to the Senate, Genesisia Clay, Theresa Hester and Celine Hite, St. Louis.

On behalf of Senator Bernskoetter and herself, Senator Crawford introduced to the Senate, the First Lady, Teresa Parson; and her brother-in-law, Kent Parson, and Bart and Tracy Davis, Hickory County.

Senator Schupp introduced to the Senate, Teacher Rob Behm, and Jacob Deighton and Matt Hippe, DeSmet Jesuit High School, St. Louis.

Senator Nasheed introduced to the Senate, Kimberly Ann Collins, St. Louis.

Senator Libla introduced to the Senate, Teacher Josh Thompson, and Baylun Tucker and Ryleigh Ray, Charleston High School.

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

SENATE CALENDAR

SIXTY-FIRST DAY—THURSDAY, MAY 2, 2019

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HCS for HB 576
 HB 868-Mitten
 HB 1002-Busick

HB 489-DeGroot
 HB 1049-Wood

THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)
 SB 514-Sater (In Fiscal Oversight)
 SB 255-Bernskoetter (In Fiscal Oversight)

SS for SCS for SB 37-Onder
 (In Fiscal Oversight)
 SCS for SB 1-Curls and Nasheed

SS for SB 391-Bernskoetter

SS for SB 3-Curls

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------|----------------------------------|
| 1. SB 430-Libla | 16. SB 437-Hoskins |
| 2. SB 186-Hegeman | 17. SB 286-Hough |
| 3. SB 302-Wallingford | 18. SB 325-Crawford, with SCS |
| 4. SB 347-Burlison | 19. SBs 8 & 74-Emery, with SCS |
| 5. SB 439-Brown | 20. SB 386-O'Laughlin, with SCS |
| 6. SB 303-Riddle, with SCS | 21. SB 272-Emery, with SCS |
| 7. SB 376-Riddle | 22. SB 265-Luetkemeyer, with SCS |
| 8. SB 82-Cunningham, with SCS | 23. SB 135-Sifton, with SCS |
| 9. SB 161-Cunningham | 24. SB 342-Curls and Nasheed |
| 10. SB 144-Burlison, with SCS | 25. SB 424-Luetkemeyer |
| 11. SJR 20-Koenig, with SCS | 26. SB 367-Burlison |
| 12. SB 208-Wallingford | 27. SB 22-Nasheed, with SCS |
| 13. SB 189-Crawford, with SCS | 28. SJR 25-Libla, with SCS |
| 14. SB 385-Bernskoetter | 29. SB 140-Koenig, with SCS |
| 15. SB 409-Wieland, et al | 30. SJR 21-May |

HOUSE BILLS ON THIRD READING

- | | |
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| 1. HB 219-Wood (Sater) | 19. HCS for HB 604, with SCS (Hoskins)
(In Fiscal Oversight) |
| 2. HB 831-Sharpe (Brown) | 20. HB 214-Trent (Hough) |
| 3. HCS for HB 694 (Riddle) | 21. HCS for HB 1088 (Hoskins)
(In Fiscal Oversight) |
| 4. HCS#2 for HB 499 (Schatz) | 22. HB 355-Plocher, with SCS (Wallingford) |
| 5. HCS for HB 192, with SCS (Emery) | 23. HCS for HB 160, with SCS (White)
(In Fiscal Oversight) |
| 6. HB 485-Dogan, with SCS (Emery)
(In Fiscal Oversight) | 24. HB 584-Knight, with SCS (Wallingford)
(In Fiscal Oversight) |
| 7. HCS for HB 564, with SCS (Koenig) | 25. HB 599-Bondon, with SCS (Cunningham)
(In Fiscal Oversight) |
| 8. HCS for HB 678, with SCS (Williams) | 26. HB 1029-Bondon (Brown)
(In Fiscal Oversight) |
| 9. HCS for HB 399, with SCS (Hoskins) | 27. HB 257-Stephens (Sater) |
| 10. HB 126-Schroer, with SCS (Koenig) | 28. HB 563-Wiemann (Wallingford)
(In Fiscal Oversight) |
| 11. HB 138-Kidd (Wallingford) | 29. HCS for HB 266, with SCS (Hoskins) |
| 12. HB 332-Lynch, with SCS (Wallingford) | 30. HCS for HB 959, with SCS (Cierpiot) |
| 13. HCS for HBs 243 & 544, with SCS (Arthur) | |
| 14. HCS for HB 220, with SCS (O'Laughlin) | |
| 15. HB 821-Solon (Luetkemeyer) | |
| 16. HB 565-Morse, with SCS (Wallingford) | |
| 17. HCS for HB 447, with SCS (Riddle) | |
| 18. HB 113-Smith, with SCS (Emery) | |

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| <p>31. HCS for HB 333, with SCS (Crawford)
(In Fiscal Oversight)</p> <p>32. HB 461-Pfautsch (Brown)
(In Fiscal Oversight)</p> <p>33. HCS for HB 824 (Hoskins)
(In Fiscal Oversight)</p> <p>34. HB 587-Rone (Crawford)
(In Fiscal Oversight)</p> <p>35. HCS for HB 346 (Wallingford)
(In Fiscal Oversight)</p> <p>36. HB 1061-Patterson (Hoskins)
(In Fiscal Oversight)</p> | <p>37. HB 470-Grier, with SCS (O'Laughlin)
(In Fiscal Oversight)</p> <p>38. HB 186-Trent, with SCS (In Fiscal Oversight)</p> <p>39. HCS for HB 466, with SCS (Riddle)
(In Fiscal Oversight)</p> <p>40. HCS for HB 229, with SCS (Wallingford)</p> <p>41. HB 646-Rowland (In Fiscal Oversight)</p> <p>42. HCS for HBs 161 & 401, with SCS
(Cunningham)</p> <p>43. HB 321-Solon (Luetkemeyer)</p> <p>44. HCS for HB 67, with SCS (Luetkemeyer)
(In Fiscal Oversight)</p> |
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| <p>SB 4-Sater</p> <p>SB 5-Sater, et al, with SCS</p> <p>SB 10-Cunningham, with SCS & SA 1
(pending)</p> <p>SB 14-Wallingford</p> <p>SB 16-Romine, with SCS, SS for SCS, SA 3
& point of order (pending)</p> <p>SB 19-Libla, with SA 1 (pending)</p> <p>SB 31-Wieland</p> <p>SB 39-Onder</p> <p>SB 44-Hoskins, with SCS & SS#3 for SCS
(pending)</p> <p>SBs 46 & 50-Koenig, with SCS, SS for SCS
& SA 6 (pending)</p> <p>SB 49-Rowden, with SCS</p> <p>SB 52-Eigel, with SCS</p> <p>SB 56-Cierpiot, with SCS, SS for SCS &
SA 1 (pending)</p> <p>SB 57-Cierpiot</p> <p>SB 62-Burlison, with SCS</p> <p>SB 65-White, with SS (pending)</p> <p>SB 69-Hough</p> <p>SB 76-Sater, with SCS (pending)</p> <p>SB 78-Sater</p> | <p>SB 97-Hegeman, with SCS</p> <p>SB 100-Riddle, with SS (pending)</p> <p>SB 118-Cierpiot, with SCS</p> <p>SB 132-Emery, with SCS</p> <p>SB 141-Koenig</p> <p>SB 150-Koenig, with SCS</p> <p>SBs 153 & 117-Sifton, with SCS</p> <p>SB 154-Luetkemeyer, with SS & SA 2 (pending)</p> <p>SB 155-Luetkemeyer</p> <p>SB 160-Koenig, with SCS, SS for SCS &
SA 2 (pending)</p> <p>SB 168-Wallingford, with SCS</p> <p>SB 201-Romine</p> <p>SB 205-Arthur, with SCS</p> <p>SB 211-Wallingford</p> <p>SB 222-Hough</p> <p>SB 225-Curls</p> <p>SB 234-White</p> <p>SB 252-Wieland, with SCS</p> <p>SB 259-Romine, with SS & SA 3 (pending)</p> <p>SB 276-Rowden, with SCS</p> <p>SB 278-Wallingford, with SCS</p> <p>SBs 279, 139 & 345-Onder and Emery,
with SCS</p> |
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SB 292-Eigel, with SCS & SS#2 for SCS
(pending)

SB 293-Hough, with SCS

SB 296-Cierpiot, with SCS

SB 298-White, with SCS

SB 300-Eigel

SB 312-Eigel

SB 316-Burlison

SB 318-Burlison

SB 328-Burlison, with SCS

SB 332-Brown

SB 336-Schupp

SB 343-Eigel, with SCS

SB 344-Eigel, with SCS

SB 349-O'Laughlin, with SCS

SB 350-O'Laughlin

SB 354-Cierpiot, with SCS

SB 412-Holsman

SB 426-Williams

SB 431-Schatz, with SCS

SJR 1-Sater and Onder, with SS#2 & SA 1
(pending)

SJR 13-Holsman, with SCS, SS for SCS &
SA 1 (pending)

SJR 18-Cunningham

HOUSE BILLS ON THIRD READING

HCS for HB 169, with SCS (Romine)

HB 188-Rehder (Luetkemeyer)

HCS for HB 225, with SCS, SS for SCS &
SA 1 (pending) (Romine)

HCS for HB 255, with SS & SA 5 (pending)
(Cierpiot)

HCS for HB 469 (Wallingford)

SCS for HCS for HB 547 (Bernskoetter)
(In Fiscal Oversight)

HCS for HB 677, with SA 1 (pending)
(Cierpiot)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 368-Hough, with HA 1, HA 2, HA 3, HA 4,
HA 5, HA 6, HA 7 & HA 8

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 53-Crawford, with HCS, as amended

SB 133-Cunningham, with HCS

HCS for HB 2, with SCS (Hegeman)

HCS for HB 3, with SCS (Hegeman)

HCS for HB 4, with SCS (Hegeman)

HCS for HB 5, with SCS (Hegeman)

HCS for HB 6, with SCS (Hegeman)

HCS for HB 7, with SS for SCS (Hegeman)

HCS for HB 8, with SCS (Hegeman)

HCS for HB 9, with SCS (Hegeman)

HCS for HB 10, with SS for SCS (Hegeman)

HCS for HB 11, with SCS (Hegeman)

HCS for HB 12, with SCS (Hegeman)

HCS for HB 13, with SCS (Hegeman)

Requests to Recede or Grant Conference

SB 182-Cierpiot, et al, with HCS, as amended
(Senate requests House recede or grant
conference)

HCS for HB 397, with SS for SCS, as amended
(Riddle)
(House requests Senate recede or grant
conference)

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman
SCR 13-Emery
SCR 15-Burlison
SCR 19-Eigel
SCR 21-May
SCR 22-Holsman

SCR 23-Luetkemeyer
SCR 24-Hegeman and Luetkemeyer
SCR 26-Bernskoetter
HCS for HCR 16 (Hoskins)
HCR 18-Spencer (Eigel)

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