Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY—WEDNESDAY, MAY 6, 2020

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

"Do not, therefore, abandon that confidence of yours; for it has great recompense of reward." (Hebrews 10:35)

Almighty God You call us to be co-workers with You in this world You have created. Help us to boldly address the difficulties and opposition we encounter as we work to do what is most needful at this dreadful time. Help us Lord to face the uphill climb to bring understanding among us. Help us Lord to be the servants You have called to be here at this time and place to do the work we must complete and may we Lord be bold and achieve the recompense of faithfulness to this calling. 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
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	Nasheed	O'Laughlin	Onder	Riddle	Rizzo
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
White	Wieland	Williams—31				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sater offered Senate Resolution No. 1445, regarding Nathanael Brinson, Forsyth, which was adopted.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 662**, entitled:

An Act to repeal sections 89.080, 211.438, 211.439, 435.415, 451.040, 485.060, 523.262, 537.037, 537.065, 537.115, 565.002, 575.040, 575.050, 575.160, 575.270, 575.280, and 576.030, RSMo, and to enact in lieu thereof twenty-six new sections relating to judicial proceedings, with penalty provisions and an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 3, 4, 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment Nos. 7, 8, 9, and 10.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 1, Section 21.403, Line 8, by deleting the word "**shall**" on said line and inserting in lieu thereof the word "**may**"; and

Further amend said section, Page 2, Lines 11 to 17, by deleting all of said lines and inserting in lieu thereof the following:

"**2. After being provided written notice that the individual has immunity under paragraph 3 of this section, the witness shall not refuse to comply with the order on the basis of his or her privilege against self-incrimination.**

3. No testimony or other information compelled under such order, or any information directly or indirectly derived from such testimony or other information, shall be used against the witness in any criminal proceeding except for perjury, or giving a false or misleading statement, or contempt committed in answering or failing to answer, or in producing or failing to produce evidence in accordance with the order."; and

Further amend said substitute, Page 2, Section 21.405, Line 15, by deleting the phrase "**Upon request**" on said line and inserting in lieu thereof the following:

"**If under this section, the prosecuting attorney, attorney general, or other attorney having original concurrent jurisdiction, fails to act by commencing a criminal action no later than sixty days after certification of the statement of facts, then for good cause shown**"; and

Further amend said substitute, Page 22, Section 575.330, Line 4, by deleting the phrase "**and he or she willfully:**" on said line and inserting in lieu thereof the following:

"**and if written notice under subsection 2 of section 21.403 was served, then such notice has been provided, and he or she purposely:**"; and

Further amend said page and section, Lines 6 and 7, by deleting said lines and inserting in lieu thereof the following:

"**(2) After having appeared, refuses to answer any question necessary to the inquiry; or**"; and

Further amend said page and section, Line 8, by deleting the phrase "**required documents.**" on said line and inserting in lieu thereof the following:

"**required documents necessary to the inquiry.**"; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 7, Section 441.231, Lines 1-2, by deleting said section and lines from the bill; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 6, Section 301.576, Line 14, by inserting after said section and line the following:

"347.143. 1. A limited liability company may be dissolved involuntarily by a decree of the circuit court for the county in which the registered office of the limited liability company is situated in an action filed by the attorney general when it is established that the limited liability company:

(1) Has procured its articles of organization through fraud;

(2) Has exceeded or abused the authority conferred upon it by law;

(3) Has carried on, conducted, or transacted its business in a fraudulent or illegal manner; or

(4) By the abuse of its powers contrary to the public policy of the state, has become liable to be dissolved.

2. On application by or for a member, the circuit court for the county in which the registered office of the limited liability company is located may decree dissolution of a limited liability company **[**whenever**]** **if the court determines:**

(1) It is not reasonably practicable to carry on the business in conformity with the operating agreement**;**

(2) Dissolution is reasonably necessary for the protection of the rights or interests of the complaining members;

(3) The business of the limited liability company has been abandoned;

(4) The management of the limited liability company is deadlocked or subject to internal dissension; or

(5) Those in control of the limited liability company have been found guilty of, or have knowingly countenanced, persistent and pervasive fraud, mismanagement, or abuse of authority."; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 6, Section 213.012, Line 4, by inserting after said section and line the following:

"270.170. 1. If any swine or sheep shall be found running at large, contrary to the provisions of this chapter, it shall be lawful for any person on whose premises said swine or sheep shall be found to restrain the same forthwith, and give the owner, if known, notice in writing that such person has restrained said swine or sheep, and the amount of damages such person claims in the premises, and requiring the owner to take said swine or sheep away and pay such damages; and such owner shall pay such person a reasonable sum for taking up, feeding and caring for the same, and the actual damages done by said swine or sheep. If such owner fails to comply with the provisions of this section within three days after receiving such notice, or if the owner of such swine or sheep be unknown, such swine or sheep shall be disposed of in the manner provided for in section 270.180.

2. Any swine not conspicuously identified by ear tags or other forms of identification that were born in the wild or that lived outside of captivity for a sufficient length of time to be considered wild by nature by hiding from humans or being nocturnal shall be considered feral hogs. Any person may **at any time** take or kill **any number of** such feral hogs on such person's own property**, on any other person's private property with the permission of the property owner, or on any publicly owned land. Such taking or killing shall be performed as provided by law, except that this provision shall not be construed to require any person to obtain any permit for such taking or killing or to authorize the state or any political subdivision thereof to require a permit for such taking or killing**.

270.270. 1. Any person possessing or transporting live Russian or European wild boar or wild-caught swine on or through public land without a Missouri department of agriculture permit is guilty of a class A misdemeanor. Each violation of this subsection shall be a separate offense.

2. Any law enforcement officer, any agent of the conservation commission, or the state veterinarian is authorized to enforce the provisions of this section, section 270.260, and section 270.400.

3. Nothing in this chapter shall be construed to allow any person taking, killing, or transporting any feral hog to trespass on any property not owned by such person in violation of any provision of chapter 569.

270.400. 1. For purposes of this section, the following terms mean:

(1) "Feral hog", any hog, including Russian and European wild boar, that is not conspicuously identified by ear tags or other forms of identification and is roaming freely upon public or private lands without the landowner's permission;

(2) "Landowner's agent", any person who has permission from a landowner to be present on the landowner's property.

2. A person may kill a feral hog roaming freely upon such person's land and shall not be liable to the owner of the hog for the loss of the hog.

3. Any person may take or kill a feral hog on public land or private land with the consent of the landowner; except that, during the firearms deer and turkey hunting season, the regulations of the Missouri wildlife code shall apply. Such person shall not be liable to the owner of the hog for the loss of such hog.

4. **[**No person except a landowner or such landowner's agent on such landowner's property shall take, attempt to take, or kill a feral hog with the use of an artificial light.

5.**]** The director of the department of agriculture shall promulgate rules for fencing and health standards for Russian and European wild boar and wild-caught swine held alive on private land. Any person holding

Russian or European wild boar or wild-caught swine on private land shall annually submit an application to the department for a permit. Any applicant that successfully meets the requirements under this section as determined by the department and pays an application fee shall be issued a permit.

[6.**]** **5.** Russian and European wild boar and wild-caught swine may move only from a farm to a farm or directly to slaughter or to a slaughter-only market. The department shall promulgate rules for exemption permits and a fee structure to offset the actual and necessary costs incurred to enforce the provisions of this section.

[7.**]** **6.** (1) There is hereby created in the state treasury the "Animal Health Fund", which shall consist of all fees and administrative penalties collected by the department of agriculture under this section and section 270.260. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation, moneys in the fund shall be used for the administration of this section and section 270.260.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[8.**]** **7.** Any person who violates subsection 2 of section 270.260 may, in addition to the penalty imposed under section 270.260, be assessed an administrative penalty of up to one thousand dollars per violation. Any person who is assessed an administrative penalty under this section shall be notified in writing of the right to appeal. Such person may request a hearing before the director of the department of agriculture. Such request shall be made in writing no later than thirty days after the date on which the person was notified of the violation of section 270.260.

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

[10.**]** **9.** Nothing in this section shall be construed to apply to domestic swine."; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 17, Section 537.115, Line 47, by inserting after all of said section and line the following:

"**537.328. 1. As used in this section, the following terms mean:**

(1) "Camping", all aspects of visiting, staying at, using, and leaving a private campground, including lodging of all types;

(2) "Inherent risks of camping", those dangers, hazards, or conditions that are an integral part of camping including, but not limited to, the following:

(a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious agents,

roots, brush, rocks, mud, sand, standing and moving water, and soil;

(b) Uneven and unpredictable terrain;

(c) Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming and aquatic sports, or recreation facilities or areas;

(d) Another camper or visitor at the private campground acting in a negligent manner, if the private campground owner or an employee or officer of the private campground owner is not involved;

(e) A lack of lighting, including lighting at campsites;

(f) Campfires in a fire pit or an enclosure provided by the private campground;

(g) Weather and weather-related events;

(h) Insects, birds, and other wildlife;

(i) A violation of safety rules or a disregard for signs or other methods of communicating warnings;

(j) Actions by a camper or visitor that exceed his or her physical limitations or abilities;

(k) Animals of other campers or visitors that cause injury, unless the private campground owner or an employee or officer of the private campground owner has accepted responsibility for care of the animal;

(l) Damage caused by fireworks from a camper, visitor, or offsite entity not authorized by the private campground owner or employee or officer of a private campground owner;

(m) Any person coming onto the campsite not reported to the private campground owner or an employee or officer of the private campground owner;

(3) "Private campground", any parcel or tract of land, including buildings and other structures, that is owned or operated by a private property owner where five or more campsites are made available for use as temporary living quarters for recreational, camping, travel, or seasonal use. The term "private campground" shall also include recreational vehicle parks.

2. Except as provided in subsection 4 of this section, a private campground owner or an employee or officer of a private campground owner shall not be liable for acts or omissions related to camping at a private campground if a person is injured or killed or property is damaged as a result of an inherent risk of camping.

3. This section shall not apply to any employer-employee relationship governed by the provisions of chapter 287.

4. The provisions of subsection 2 of this section shall not prevent or limit liability of a private campground owner or an employee or officer of a private campground owner who:

(1) Intentionally causes the injury, death, or property damage;

(2) Acts with a willful or wanton disregard for the safety of the person or property damaged. As used in this subdivision, "willful and wanton" means conduct committed with an intentional or reckless disregard for the safety of others; or

(3) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to the owner of the private campground, or his or her employees or officers, on the property that the owner owns, leases, rents, or is otherwise in lawful control of or in possession of if the owner, employee, or officer is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury.

Such warning signs shall appear in black letters on a white background with each letter to be a minimum of one inch in height.

5. Every written contract entered into by a private campground owner or an employee or officer of a private campground owner shall contain, in clearly readable print, the warning notice specified in this subsection. The signs described in subdivision (3) of subsection 4 of this section and contracts described in this subsection shall contain the following warning notice:

"WARNING

Under Missouri law, a private campground owner or an employee or officer of a private campground owner is not liable for an injury to or the death of a person or any property damage resulting from the inherent risks of camping under the Revised Statutes of Missouri."; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 1, Line 1, by inserting after the number "662," the following:

"Page 17, Section 550.125, Line 20, by inserting after the word "**county.**" the following:

"**If the amount disbursed is less than the costs described in subsection 2 of this section, the county in which the capital case originated shall reimburse the county to which the case was transferred for the difference.**"; and

Further amend said bill,"; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 23, Section 576.030, Line 7, by inserting after said section and line the following:

"577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle;

(3) A class E felony if:

(a) The defendant is a persistent offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined in section 301.010, or the highway's right-of-way;

(d) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons; or

(e) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

(7) A class A felony if the defendant has previously been found guilty of an offense under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent violation of such paragraphs.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days **involving at least two hundred forty hours** of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has

served a minimum of two years imprisonment; and

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

577.012. 1. A person commits the offense of driving with excessive blood alcohol content if such person operates:

(1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in his or her blood; or

(2) A commercial motor vehicle while having four one-hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of driving with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual offender.

4. A person found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. If a person is found guilty of a second or subsequent offense of driving with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.

7. A person found guilty of driving with excessive blood alcohol content:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days **involving at least four hundred eighty hours** of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.”; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 2, Section 21.405, Line 20, by inserting after all of said section and line the following:

“57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return

or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff[, or any other person specially appointed to serve in a county that receives funds under section 57.278,] shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff[, or any other person specially appointed to serve in a county that receives funds under section 57.278,] under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit

such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

5. Notwithstanding the provisions of subsection 3 of this section to the contrary, the court clerk shall collect ten dollars as a court cost for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section when any person other than a sheriff is specially appointed to serve in a county that receives funds under section 57.278. The money received by the clerk under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278."; and

Further amend said bill, Page 9, Section 485.060, Line 23, by inserting after all of said section and line the following:

"488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, as provided in section 57.280, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars, as provided in section 57.280; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled, as provided in section 57.280, to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to section 57.280 shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of such charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall, as provided in section 57.280, receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his or her agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs, as provided in section 57.280, for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, as provided in section 57.280, going and returning from the courthouse of the county in which he or she resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. As provided in subsection 4 of section 57.280, the sheriff shall receive ten dollars for service of any

summons, writ, subpoena, or other order of the court included under subsection 1 of section 57.280, in addition to the charge for such service that each sheriff receives under subsection 1 of section 57.280. The money received by the sheriff under subsection 4 of section 57.280 shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

4. The court clerk shall collect ten dollars as a court cost for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section when any person other than a sheriff is specially appointed to serve in a county that receives funds under section 57.278. The money received by the clerk under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278."; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 4, Section 160.082, Line 30, by inserting after all of said section and line the following:

"196.931. As used in sections 196.931 to 196.953 unless the context clearly indicates otherwise, the following words and terms shall have the meaning indicated:

(1) "Grade A pasteurized milk", grade A raw milk for pasteurization which has been pasteurized, cooled, and placed in the final container in a milk plant and conforming with the sanitation and bacteriological standards authorized by sections 196.931 to 196.953 and regulations promulgated thereunder;

(2) "Grade A raw milk for pasteurization", raw milk for pasteurization from producer dairies and conforming with all of the sanitation and bacteriological standards authorized by sections 196.931 to 196.953 and regulations which are promulgated thereunder;

(3) **"Grade A retail raw milk or cream", raw milk or cream produced upon dairy farms conforming to sanitation and bacteriological standards that meet or exceed that of grade A pasteurized milk;**

(4) "Graded fluid milk and fluid milk products", milk products include cream, light cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, skim milk, skimmed milk, lowfat milk, fortified milk and milk products, vitamin D milk and milk products, homogenized milk, flavored milk or milk products, eggnog, eggnog flavored milk, eggnog flavored lowfat milk, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, and acidified milk and milk products, and other fluid milk and fluid milk products so declared by the board which are sold, offered for sale, exposed for sale, delivered or advertised as graded milk and milk products;

[(4)**] (5)** "Manufacturing raw milk", milk that does not meet the requirements of grade A raw milk for pasteurization as defined in sections 196.931 to 196.959;

[(5)**] (6)** "Milk plant", any place, premises or establishment where graded fluid milk or fluid milk products are collected, handled, processed, stored, bottled, pasteurized and prepared for distribution, except an establishment where graded fluid milk products are sold at retail as purchased from a milk plant;

[(6)**] (7)** "Milk plant operator", any person, firm, corporation or association operating any milk plant;

[(7)**] (8)** "Milk producer", any person who operates a dairy farm and provides, sells, or offers milk for sale to a milk plant, receiving station, or transfer station;

[(8)**] (9)** "Official rating agency", the state milk board;

[(9)**] (10)** "Official rating survey", the survey conducted by the official state rating agency, as required by sections 196.931 to 196.953;

[(10)**] (11)** "Person" **[**shall mean**] ,** an individual or individuals, or a firm, partnership, company, corporation, trustee, or association;

[(11)**] (12)** "Political subdivision", any municipality, city, incorporated town, village, county, township, district or authority, or any portion or combination of two or more thereof;

[(12)**] (13)** "State department of agriculture", the department of agriculture of Missouri;

[(13)**] (14)** "State department of health and senior services", the department of health and senior services of Missouri;

[(14)**] (15)** "State milk board", an appointed state agency functioning as administrator of state milk inspection; **[**and**]**

[(15)**] (16)** "State milk inspection", the services of inspection, regulation, grading, and program evaluation of fluid milk and fluid milk products by agents, representatives or employees of the state milk board under the terms and provisions of sections 196.931 to 196.959 and regulations adopted to regulate the production, transportation, processing, manufacture, distribution and sale of graded fluid milk and fluid milk products.

196.935. **1.** No person shall sell, offer for sale, expose for sale, transport, or deliver any graded fluid milk or graded fluid milk products in this state unless the milk or milk products are graded and produced, transported, processed, manufactured, distributed, labeled and sold under state milk inspection and the same has also been produced or pasteurized as required by a regulation authorized by section 196.939 and under proper permits issued thereunder. Only pasteurized graded fluid milk and fluid milk products as defined in subdivision **[**(3)**] (4)** of section 196.931 shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; except **that:**

(1) Grade A retail raw milk or cream produced in Missouri may be sold to grocery stores, restaurants, soda fountains, or similar establishments as long as:

(a) The grade A retail raw milk or cream is clearly labeled "WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems"; and

(b) If the grade A retail raw milk or cream is sold in a manner that does not allow the final consumer to see the product with the label described in paragraph (a) of this subdivision, the label is presented to the consumer through a written notice on the menu or in some other manner; and

(2) An individual**, who is the final consumer,** may purchase and have delivered to him **or her** for his

or her own use raw milk or cream from a farm.

2. No bottler or distributer of grade A retail raw milk or cream shall expose for sale, transport, or deliver any milk in this state unless the milk has been inspected by the state milk board at an interval set by the board but not less than quarterly.

3. Any dairy farm producing grade A retail raw milk or cream shall have its herd accredited or certified by the United States Department of Agriculture as a tuberculosis-free and a brucellosis-free herd. While the herd is in the process of qualifying for such United States Department of Agriculture accreditation or certification, all animals in the herd shall be tested annually for tuberculosis and brucellosis until such herd is accredited or certified."; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 19, Section 565.002, Line 54, by deleting the word "**and**"; and

Further amend said bill, page, and section, Line 56, by deleting the words "**charter school;**" and inserting in lieu there of the following

"**charter school; or**

(m) A sports official assaulted at a sporting event while the sports official is performing his or her duties as a sports official or as a direct result of such duties. A sporting event shall include all levels of competition. A sports official shall include, but not be limited to, a judge, linesman, official, referee, or umpire. To qualify as a sports official, a person shall be trained and certified or registered as such by an organization engaged in the education, training, and certifying or registering of sports officials."; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662, Page 9, Section 451.040, Line 55, by inserting after said line the following:

"**7. In the event a recorder of deeds utilizes an online process to accept applications for a marriage license or to issue a marriage license and the applicants' identity has not been verified in person, the recorder shall have a two-step identity verification process or a process that independently verifies the identity of such applicants. Such process shall be adopted as part of any electronic system for marriage licenses if the applicants do not present themselves to the recorder or his or her designee in person. It shall be the responsibility of the recorder to ensure any process adopted to allow electronic application or issuance of a marriage license verifies the identities of both applicants. The recorder shall not accept applications for or issue marriage licenses through the process provided in this subsection unless at least one of the applicants is a resident of the county or city not within a county in which the application was submitted.**"; and

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

Emergency Clause Defeated.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 2017**—Appropriations.

HCS for **HB 2018**—Appropriations.

HCS for **HB 2019**—Appropriations.

HB 2015—Appropriations.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HB 1963**, with **SCS**; **HB 1700**, with **SCS**; **SS No. 2** for **SCS** for **HCS** for **HB 1854**; **HCS No. 2** for **HB 1896**, with **SCS**; **HB 1559**, with **SCS**; **HCS** for **HB 1682**, with **SCS**; and **HCS** for **HB 1683**, with **SCS**; begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Hegeman moved that the Senate refuse to recede from its position on **HB 1768**, with **SS** for **SCS**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Sater, **HCS** for **HB 1414**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Sater, **HCS** for **HB 1682**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Wallingford, **HCS** for **HB 1683**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Emery, **HCS** for **HB 2049**, with **SCS** was placed on the Informal Calendar.

HB 1963, introduced by Representative Fitzwater, with **SCS**, entitled:

An Act to repeal section 227.600, RSMo, and to enact in lieu thereof one new section relating to high speed transportation.

Was taken up by Senator Libla.

SCS for **HB 1963**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1963

An Act to repeal sections 32.300, 137.115, 143.441, 144.070, 144.805, 227.600, 300.010, 301.010, 301.030, 301.032, 301.140, 301.190, 301.210, 301.213, 301.280, 301.560, 301.564, 301.3174, 302.170, 302.181, 302.720, 303.026, 304.172, 304.180, 306.127, 307.015, 407.815, 407.1025, and 577.001 RSMo, and to enact in lieu thereof forty new sections relating to transportation, with existing penalty provisions and a delayed effective date for a certain section.

Was taken up.

Senator Libla moved that **SCS** for **HB 1963** be adopted.

Senator Libla offered **SS** for **SCS** for **HB 1963**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1963

An Act to repeal sections 32.300, 137.115, 143.441, 144.070, 144.805, 227.600, 300.010, 301.010, 301.030, 301.032, 301.140, 301.190, 301.193, 301.210, 301.213, 301.280, 301.560, 301.564, 301.3174, 302.170, 302.181, 302.720, 303.026, 304.172, 304.180, 306.127, 307.015, 407.815, 407.1025, 407.1329, and 577.001 RSMo, and to enact in lieu thereof forty-three new sections relating to transportation, with existing penalty provisions and a delayed effective date for a certain section.

Senator Libla moved that **SS** for **SCS** for **HB 1963** be adopted.

Senator Emery offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1963, Page 26, Section 227.600, Line 19 of said page, by inserting after all of said line the following:

"**227.803. The portion of State Highway 7 from County Road 221 West continuing to Calvird Drive in the city of Clinton in Henry County shall be designated as "Police Officer Ryan Morton Memorial Highway". The department shall erect and maintain appropriate signs designating such highway with the costs to be paid for by private donations.**

227.804. The portion of State Highway 13 from State Highway 52 West continuing to Calvird Drive in the city of Clinton in Henry County shall be designated as "Police Officer Gary Lee Michael, Jr. Memorial Highway". The department shall erect and maintain appropriate signs designating such highway with the costs to be paid for by private donations."; and

Further amend the title and enacting clause accordingly.

Senator Emery moved that the above amendment be adopted.

Senator Emery offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitue for Senate Committee Substitute for House Bill No. 1963, Page 1, Line 5 of said amendment, by inserting immediately after "Officer" the following: "**Christopher**".

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

Senator Emery moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Williams offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1963, Page 115, Section 301.3174, Line 5, by inserting immediately after said line the following:

"**301.3176. 1. Any vehicle owner may apply for "BackStoppers" license plates for any motor**

vehicle the 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. Upon making a ten dollar contribution to the BackStoppers General Operating Fund or to the BackStoppers Education Fund, the vehicle owner may apply for the "BackStoppers" plate. If the contribution is made directly to the BackStoppers General Operating Fund or to the BackStoppers Education Fund, the organization shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "BackStoppers" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "BackStoppers" plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "BackStoppers" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "BackStoppers" plate shall bear the emblem of a thin blue line encompassed in black as prescribed by the director of revenue and shall have the word "BACKSTOPPERS". 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.

2. The director of revenue may promulgate rules and regulations for the administration 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, 2020, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

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

Senator Cunningham offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1963, Page 22, Section 144.805, Line 20 of said page, by inserting immediately after all of said line the following:

"**163.164. 1. Notwithstanding any provision of law to the contrary, in any fiscal year in which the total appropriation for the formula pursuant to section 163.031 is in excess of the amount reimbursed to public schools, the department of elementary and secondary education shall transfer such excess cash balances by the fifteenth day of the succeeding fiscal year to the school transportation fund established in this section.**

2. (1) There is hereby created in the state treasury the "School Transportation Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be administered by the commissioner of the department of elementary and secondary education. The school transportation fund shall consist of moneys transferred by the department pursuant to

subsection 1 of this section, to be used by public school districts to provide transportation to students. Such funds shall be paid to public school districts in addition to the state aid provided for transportation pursuant to section 163.161, based on the cost of pupil transportation in accordance with section 163.161.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The provisions of this section shall not apply in any year in which state transportation aid reaches seventy-five percent of the total allowable cost of transporting all pupils eligible to be transported."; and

Further amend the title and enacting clause accordingly.

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

Senator Crawford offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1963, Page 143, Section 303.026, Line 20 of said page, by inserting immediately after all of said line the following:

"303.200. 1. After consultation with insurance companies **[**authorized to issue automobile liability policies**]** **having a certificate of authority to do business** in this state **and actively writing motor vehicle liability policies**, the director of the department of commerce and insurance**, hereinafter referred to as the "director",** shall approve a reasonable plan **[**or plans for the equitable apportionment among such companies of applicants for such policies and for personal automobile and commercial motor vehicle liability**]** **to provide motor vehicle insurance** policies **to applicants** who are in good faith entitled to but are unable to procure such policies through ordinary methods. **The plan shall be known as the Missouri Automobile Insurance Plan, hereinafter referred to as the "plan".** When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. **[**The plan manager, on the plan's behalf, shall contract with an entity or entities to accept and service applicants and policies for any company that does not elect to accept and service applicants and policies. By October first of each year any company that elects to accept and service applicants and policies for the next calendar year for any such plan shall so notify the plan. Except as provided in subsection 2 of this section, any company that does not so notify a plan established for handling coverage for personal automobile risks shall be excused from accepting and servicing applicants and policies for the next calendar year for such plan and shall pay a fee to the plan or servicing entity for providing such services. The fee shall be based on the company's market share as determined by the company's writings of personal automobile risks in the voluntary market.**]** Any applicant for **[**any such**]** **a** policy **under the plan**, any person insured under **[**any such**]** **the** plan, and any insurance company affected may appeal to the director from any ruling or decision of the **[**manager or committee designated to operate such**]** plan. Any person aggrieved hereunder by any order or act of the director may, within ten days after notice thereof, file a petition in the circuit court of the county of Cole for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree. **[**As used in this section, the term "personal automobile" means a private passenger nonfleet vehicle, motorcycle, camper and travel trailer, antique auto, amphibious auto, motor home, named nonowner

applicant, or a low-speed vehicle subject to chapter 304 which is not primarily used for business or nonprofit interests and which is generally used for personal, family, or household purposes.

2. If the total premium volume for any one plan established for handling coverage for personal automobile risks exceeds ten million dollars in a calendar year, a company with more than five percent market share of such risks in Missouri shall not be excused from accepting and servicing applicants and policies of such plan under subsection 1 of this section for the next calendar year, unless the governing body of the plan votes to allow any company with such market share the option to be excused.**]**

2. The plan shall perform its functions under a plan of operation and through a governing committee as prescribed in the plan of operation. Any plan of operation, prior to being placed in effect, shall be filed with and approved by the director. Any amendments to the plan of operation so adopted shall also be filed with and approved by the director prior to being placed in effect.

3. The plan of operation shall prescribe the issuance of motor vehicle insurance policies by the plan, which may include the administration of such policies by:

(1) A third-party administrator that has a certificate of authority to do business in this state;

(2) A nationally recognized management organization and service provider that specializes in the administration of motor vehicle insurance residual market mechanisms, subject to the approval of the director; or

(3) An insurance company that has a certificate of authority to do business in this state.

4. No form of a policy, endorsement, rider, manual of classifications, rules, or rates, no rating plan, nor any modification of any of them proposed to be used by the plan shall be used prior to approval by the director.

5. Any policy of insurance issued by the plan shall conform to the provisions of this chapter and any insurance law of this state applicable to motor vehicle insurance policies, except any law that specifically exempts the plan from the purview of the law.

6. The plan shall:

(1) File with the director, no later than June thirtieth of each year, annual audited financial reports for the preceding year;

(2) Be subject to examination by the director under sections 374.205 to 374.207;

(3) Have the authority to make assessments on member insurance companies if the funds from policyholder premiums and other revenues are not sufficient for the sound operation of the plan. An assessment upon a member insurance company shall be in the same proportion to its share of the voluntary market premium for the type of policies written under the plan. The procedures for levying assessment shall be prescribed in the plan of operation.

7. There shall be no liability imposed on the part of, and no cause of action of any nature shall arise against, any member insurer or any member of the governing committee for any omission or action taken by them in the performance of their powers and duties under this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Burlison offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1963, Page 75, Section 301.193, Line 7 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**"; and

Further amend said bill and section, Page 76, Line 2 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**"; and

Further amend said bill and section, Page 77, Line 10 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**"; and further amend line 14 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**"; and further amend line 15 of said page, by inserting after "pool's" the following: "**or salvage dealer and dismantler's**"; and further amend line 16 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**"; and further amend line 18 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**"; and further amend line 21 of said page, by inserting after "pool's" the following: "**or salvage dealer and dismantler's**"; and further amend line 25 of said page, by inserting after "pool's" the following: "**or salvage dealer and dismantler's**"; and

Further amend said bill and section, Page 78, line 16 of said page, by striking said line and inserting in lieu thereof the following: "**salvage pool or salvage dealer and dismantler, the director shall inform the salvage pool or salvage dealer and dismantler of such**"; and further amend line 17 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**"; and further amend line 18 of said page, by inserting after "pool's" the following: "**or salvage dealer and dismantler's**"; and further amend line 23 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**"; and

Further amend said bill and section, Page 80, Line 21 of said page, by inserting after "pool" the following: "**or salvage dealer and dismantler**".

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

Senator O'Laughlin offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1963, Page 26, Section 227.600, Line 19 of said page, by inserting after all of said line the following:

"**5. Under no circumstances shall a public right-of-way necessary for the expansion of Interstate 70 be materially impeded by or transferred to a public-private partnership for the purpose of constructing a tube transport system.**".

Senator O'Laughlin moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1963, Page 7, Section 137.115, Lines 9-11 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(4) Motor vehicles **[**which are eligible for registration as and are registered as historic motor vehicles

pursuant to section 301.131 and**] in excess of five years old, one percent;**

(5) Aircraft which are at least twenty-five years"; and further amend said section by renumbering the subdivisions accordingly.

Senator Eigel moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Emery, Hoskins, Nasheed and Wallingford.

Senator Rowden assumed the Chair.

President Kehoe assumed the Chair.

Senator Schupp offerd **SA 1** to **SA 7**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 for Senate Substitute for Senate Committee Substitute for House Bill No. 1963, Page 1, Line 7, by inserting immediately after "and" the following: "further amend line 13 by striking the following: "**[**fifty**] two hundred**" and inserting in lieu thereof the following: "fifty"; and".

Senator Schupp moved that the above amendment be adopted.

At the request of Senator Libla, **HB 1963**, with **SCS**, **SS** for **SCS**, **SA 7** and **SA 1** to **SA 7** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 2002**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2003**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2004**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2005**, 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 adopt **SS** for **SCS** for **HS** for **HCS** for **HB 2006**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2007**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2008**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2009**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2010**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2011**, 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 adopt **SCS** for **HS** for **HCS** for **HB 2012**, 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 adopt **SCS** for **HCS** for **HB 2013**, 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 adopt **SS No. 2** for **SCS** for **HB 1450**, **HB 1296**, **HCS** for **HB 1331** and **HCS** for **HB 1898**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1768**, as amended: Senators Hegeman, Sater, Crawford, Rizzo and Arthur.

PRIVILEGED MOTIONS

Senator Luetkemeyer moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HB 1450**, **HB 1296**, **HCS** for **HB 1331** and **HCS** for **HB 1898**, as amended, and grant the House a conference thereon, which motion prevailed.

On motion of Senator Rowden, the Senate recessed until 2:45 p.m.

RECESS

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

HOUSE BILLS ON THIRD READING

Senator Hoskins moved that **SS No. 2** for **SCS** for **HCS** for **HB 1854**, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HCS** for **HB 1854** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Hegeman	Hoskins
Hough	Koenig	May	Riddle	Rizzo	Rowden	Sater
Schatz	Schupp	Sifton	Walsh	White	Wieland	Williams—21

NAYS—Senators

Brown	Burlison	Eigel	Emery	Libla	Luetkemeyer	Nasheed
O'Laughlin	Onder	Wallingford—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The President declared the bill passed.

The emergency clause failed of adoption by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Cierpiot	Crawford	Cunningham	Emery	Hegeman
Hoskins	Hough	Koenig	O'Laughlin	Riddle	Rizzo	Rowden
Sater	Schatz	Sifton	Walsh	White	Wieland	Williams—21

NAYS—Senators

Brown	Burlison	Eigel	Libla	Luetkemeyer	May	Nasheed
Onder	Schupp	Wallingford—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

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

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

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

PRIVILEGED MOTIONS

Senator Hegeman requested unanimous consent of the Senate to be allowed to make one motion to send **SCS** for **HS** for **HCS** for **HB 2002**; **SCS** for **HS** for **HCS** for **HB 2003**; **SCS** for **HS** for **HCS** for **HB 2004**; **SCS** for **HS** for **HCS** for **HB 2005**; **SCS** for **HS** for **HCS** for **HB 2006**; **SCS** for **HS** for **HCS** for **HB 2007**; **SCS** for **HS** for **HCS** for **HB 2008**; **SCS** for **HS** for **HCS** for **HB 2009**; **SCS** for **HS** for **HCS** for **HB 2010**; **SCS** for **HS** for **HCS** for **HB 2011**; **SCS** for **HS** for **HCS** for **HB 2012**; and **SCS** for **HCS** for **HB 2013** to conference in one motion, which request was granted.

Senator Hegeman moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HB 2002**; **SCS** for **HS** for **HCS** for **HB 2003**; **SCS** for **HS** for **HCS** for **HB 2004**; **SCS** for **HS** for **HCS** for **HB 2005**; **SCS** for **HS** for **HCS** for **HB 2006**; **SCS** for **HS** for **HCS** for **HB 2007**; **SCS** for **HS** for **HCS** for **HB 2008**; **SCS** for **HS** for **HCS** for **HB 2009**; **SCS** for **HS** for **HCS** for **HB 2010**; **SCS** for **HS** for **HCS** for **HB 2011**; **SCS** for **HS** for **HCS** for **HB 2012**; and **SCS** for **HCS** for **HB 2013**, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HB 1450**, **HB 1296**, **HCS** for **HB 1331** and **HCS** for **HB 1898**, as amended: Senators Luetkemeyer, Onder, Emery, Sifton and May.

HOUSE BILLS ON THIRD READING

HCS No. 2 for **HB 1896**, with **SCS**, entitled:

An Act to amend chapters 191 and 195, RSMo, by adding thereto two new sections relating to background checks in the medical marijuana industry, with a penalty provision and an emergency clause for a certain section.

Was taken up by Senator Onder.

SCS for **HCS No. 2** for **HB 1896**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1896

An Act to repeal sections 191.1146, 195.015, 195.017, 195.417, 579.060, 579.065, and 579.068, RSMo, and to enact in lieu thereof nine new sections relating to controlled substances, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Onder moved that **SCS** for **HCS No. 2** for **HB 1896** be adopted.

Senator Onder offered **SS** for **SCS** for **HCS No. 2** for **HB 1896**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1896

An Act to repeal sections 191.1146, 195.015, 195.017, 195.417, 579.060, 579.065, and 579.068, RSMo, and to enact in lieu thereof nine new sections relating to controlled substances, with penalty provisions and an emergency clause for a certain section.

Senator Onder moved that **SS** for **SCS** for **HCS No. 2** for **HB 1896** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1896, Page 51, Section 195.805, Line 2, by inserting after the word "package" the following: "**, or packages within a package,**".

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

Senator Schatz offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 1896, Pages 48-50, Section 195.417, by striking all of said section and inserting in lieu thereof the following:

"195.417. 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than **[**nine**]** **seven and two-tenths** grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than three and six-tenths grams without regard to the number of transactions.

4. **Within any twelve-month period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:**

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than twenty-eight and eight-tenths grams, without regard to the number of transactions.

5. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

[5.**]** **6.** Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

7. No prescription shall be required for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this section. The superintendent of the Missouri state highway patrol shall report to the revisor of statutes and the general assembly by February first when the statewide number of methamphetamine laboratory seizure incidents exceeds three hundred incidents in the previous calendar year. The provisions of this subsection shall expire on April first of the calendar year in which the revisor of statutes receives such notification.

[6.**]** **8.** This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

9. Any local ordinances or regulations enacted by any political subdivision of the state prior to August 28, 2020, requiring a prescription for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits

described in subsections 2, 3, and 4 of this section shall be void and of no effect and no such political subdivision shall maintain or enforce such ordinance or regulation.

[7.**] 10.** All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

[8.**] 11.** All persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

[9.**] 12.** The penalty for a knowing or reckless violation of this section is found in section 579.060."; and

Further amend said bill, pages 53-56, section 579.060, by striking all of said section and inserting in lieu thereof the following:

"579.060. 1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than **[**nine**] seven and two-tenths** grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than **[**nine**] seven and two-tenths** grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(4) **Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than twenty-eight and eight-tenths grams to the same individual within a twelve-month period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or**

(5) Purchases, receives, or otherwise acquires within a twelve-month period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than twenty-eight and eight-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(6) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

[(5)**] (7)** Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Fails to submit information under subsection 13 of section 195.017 and subsection **[**5**] 6** of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or

(3) Fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or

(4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs is a class A misdemeanor.".

Senator Schatz moved that the above amendment be adopted.

Senator Bernskoetter offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House

Committee Substitute No. 2 for House Bill No. 1896, Page 2, Section 195.417, Line 26, by striking the words "twenty-eight and eight-tenths" and inserting in lieu thereof the following: "**forty-three and two-tenths**"; and

Further amend said amendment, page 6, section 579.060, line 1, by striking the words "twenty-eight and eight-tenths" and inserting in lieu thereof the following: "**forty-three and two-tenths**"; and further amend line 10, by striking the words "twenty-eight and eight-tenths" and inserting in lieu thereof the following: "**forty-three and two-tenths**".

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

Senator Schatz moved that **SA 2**, as amended, be adopted, which motion prevailed.

Senator Onder moved that **SS** for **SCS** for **HCS No. 2** for **HB 1896**, as amended, be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **SCS** for **HCS No. 2** for **HB 1896**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O'Laughlin	Onder	Riddle	Rizzo	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senators

May Nasheed—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Eigel	Emery	Hegeman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	O'Laughlin	Onder	Riddle	Rizzo	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senators

May Nasheed—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—3

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

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

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

At the request of Senator Hoskins, **HB 1559**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Hough, **HB 1700**, with **SCS** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 618**, entitled:

An Act to repeal sections 67.5122, 144.030, 393.1009, 393.1012, 393.1015, 442.404, 523.262, 610.021, 620.2451, and 620.2459, RSMo, and to enact in lieu thereof fourteen new sections relating to utilities.

With House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment Nos. 5, 6 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

"67.5122. Sections 67.5110 to 67.5122 shall expire on January 1, [2021] **2025**, except that for small wireless facilities already permitted or collocated on authority poles prior to such date, the rate set forth in section 67.5116 for collocation of small wireless facilities on authority poles shall remain effective for the duration of the permit authorizing the collocation."; and

Further amend said bill, Pages 1-12, Section 144.030, Lines 1-402, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 13, Section 393.1009, Line 41, by inserting after the word "filing" the following:

"**associated with eligible system replacements less annual depreciation expenses and property taxes associated with any related facility retirements**"; and

Further amend said bill, Page 18, Section 393.1015, Lines 102-103, by deleting the words "**subject to commission approval,**" and inserting in lieu thereof the words "**the commission shall issue an order to refund those amounts, and**" ; and

Further amend said bill, Pages 18-19, Section 393.1900, Lines 1-14, by deleting all of said section and lines from the bill; and

Further amend said bill, Page 26, Section 640.145, Line 12, by inserting after all of said section and line the following:

"**701.200. 1. Subject to appropriations, each school district, as such term is defined in section 160.011, may test a sample of a source of potable water in a public school building in that district serving students under first grade and constructed before 1996 for lead contamination in accordance with guidance provided by the department of health and senior services. The school district may submit the samples to a department-approved laboratory for analysis for lead and provide the written sampling results to the department within seven days of receipt.**

2. The department shall develop guidance for schools in collecting and testing first-draw samples of potable water. The department shall develop and make publicly available a list of approved laboratories for lead analysis.

3. If any of the samples exceed current standards for parts per billion of lead established by the U.S. Environmental Protection Agency, the school district shall promptly provide individual notification of the sampling results, by written or electronic communication, to the parents or legal guardians of all enrolled students and include the following information: the corresponding sampling location within the building and the U.S. Environmental Protection Agency's website for information about lead in drinking water. If any of the samples taken in the building are at or below five parts per billion, notification may be made as provided in this subsection or by posting on the school's website.

4. The department may promulgate rules and regulations 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, 2020, shall be invalid and void.

5. As used in this section, the term "source of potable water" shall mean the point at which nonbottled water that may be ingested by children or used for food preparation exits any tap, faucet, drinking fountain, wash basin in a classroom occupied by children or students under first grade, or similar point of use; provided, that all bathroom sinks and wash basins used by janitorial staff are excluded from this definition."; and

Further amend said bill and page, Section 67.5122, Lines 1-5, by deleting all of said section and lines from the bill; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 12, Section 144.030, Line 402, by inserting after all of said section and line the following:

"393.355. 1. As used in this section, the following terms shall mean:

(1) "Electrical corporation", the same meaning given to the term in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;

(2) "Facility", a:

(a) Facility whose primary industry is the **[**smelting**]** **processing** of **[**aluminum and**]** primary metals**[**, Standard Industrial Classification Code 3334**]**;

(b) Facility whose primary industry is the production or fabrication of steel, North American Industrial Classification System 331110; or

(c) Facility with a new or incremental increase in load equal to or in excess of a monthly demand of fifty megawatts.

2. Notwithstanding section 393.130 or any other provision of law to the contrary, the public service commission shall have the authority to approve a special rate, outside a general rate proceeding, that is not based on the electrical corporation's cost of service for a facility if:

(1) The commission determines, but for the authorization of the special rate the facility would not commence operations, the special rate is in the interest of the state of Missouri when considering the interests of the customers of the electrical corporation serving the facility, considering the incremental cost of serving the facility to receive the special rate, and the interests of the citizens of the state generally in promoting economic development, improving the tax base, providing employment opportunities in the state, and promoting such other benefits to the state as the commission may determine are created by approval of the special rate;

(2) After approval of the special rate, the commission allocates in each general rate proceeding of the electrical corporation serving the facility the reduced revenues from the special rate as compared to the revenues that would have been generated at the rate the facility would have paid without the special rate to the electrical corporation's other customers through a uniform percentage adjustment to all components of the base rates of all customer classes; and

(3) The commission approves a tracking mechanism meeting the requirements of subsection 3 of this section.

3. Any commission order approving a special rate authorized by this section to provide service to a facility in the manner specified under subsection 4 of this section shall establish, as part of the commission's approval of a special rate, a tracking mechanism to track changes in the net margin experienced by the electrical corporation serving the facility with the tracker to apply retroactively to the date the electrical corporation's base rates were last set in its last general rate proceeding concluded prior to June 14, 2017. The commission shall ensure that the changes in net margin experienced by the electrical corporation between the general rate proceedings as a result of serving the facility are calculated in such a manner that the electrical corporation's net income is neither increased nor decreased. The changes in net margin shall be deferred to a regulatory liability or regulatory asset, as applicable, with the balance of such regulatory asset or liability to be included in the revenue requirement of the electrical corporation in each of its general rate proceedings through an amortization of the balance over a reasonable period until fully returned to or collected from the electrical corporation's customers.

4. Notwithstanding the provisions of section 393.170, an electrical corporation is authorized to provide electric service to a facility at a special rate for the new or incremental load authorized by the commission:

(1) Under a rate schedule reflecting the special rate approved by the commission; or

(2) If the facility is located outside the electrical corporation's certificated service territory, the facility shall be treated as if it is in the electrical corporation's certified service territory, subject to a commission-

approved rate schedule incorporating the special rate under the contract.

5. To receive a special rate, the electrical corporation serving the facility, or facility if the facility is located outside of the electrical corporation's certified service territory, shall file a written application with the commission specifying the requested special rate and any terms or conditions proposed by the facility respecting the requested special rate and provide information regarding how the requested special rate meets the criteria specified in subdivision (1) of subsection 2 of this section. A special rate provided for by this section shall be effective for no longer than ten years from the date such special rate is authorized. The commission may impose such conditions, including but not limited to any conditions in a memorandum of understanding between the facility and the electrical corporation, on the special rate as it deems appropriate so long as it otherwise complies with the provisions of this section.

6. Any entity which has been granted a special rate under this section may reapply to the commission for a special rate under this section."; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 19, Section 393.1900, Line 14, by inserting after all of said section and line the following:

"414.152. 1. Any person found in violation of any provision of sections 414.012 to 414.152 **or section 414.600** shall be deemed guilty of a class A misdemeanor. The prosecutor of each county in which a violation occurs shall be empowered to bring an action hereunder. But if a prosecutor declines to bring such action, then the attorney general may bring an action instead, and in so doing shall have all the powers and jurisdiction of such prosecutor.

2. The prosecuting attorney of any county in which a violation of any provision of this chapter occurs or the attorney general is hereby authorized to apply to any court of competent jurisdiction for, and such court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction to restrain any person from violating any provision of this chapter.

3. Any person who is found, upon investigation by the department of agriculture or by the department of revenue, to be in possible violation of any provision of this chapter shall be notified by certified mail of the facts constituting such violation, and shall be afforded an opportunity by the appropriate director to explain such facts at an informal hearing to be conducted within fourteen days of such notification. In the event that such person fails to timely respond to such notification or upon unsuccessful resolution of any issues relating to an alleged violation, such person may be summoned to a formal administrative hearing before a hearing officer conducted in conformance with chapter 536 and if found to have committed one or more violations, may be ordered to cease and desist from such violation, such order to be enforceable in circuit court, and, in addition, may be required to pay a penalty of not more than five hundred dollars per violation and five hundred dollars for each day such violation continues. Any party to such hearing aggrieved by a determination of a hearing officer may appeal to the circuit court of the county in which such party resides, or if the party is the state, in Cole County, in accordance with chapter 536.

414.600. 1. This section shall be known and may be cited as the "Missouri Made Fuels Act".

2. For purposes of this section, the following terms shall mean:

(1) "Biodiesel blend", a blend of diesel fuel and biodiesel fuel between six percent and twenty

percent for on-road and off-road diesel-fueled vehicle use. Biodiesel blend shall comply with the most recent version of ASTM International D7467, Standard Specification of Diesel Fuel Oil;

(2) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the most recent version of ASTM International D6751 Standard Specification for Biodiesel Fuel (B100) Blend Stock for Middle Distillate Fuels. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section, unless the palm oil is contained within waste oil and grease collected within the United States.

3. Except as otherwise provided in this section, all diesel fuel sold or offered for sale in Missouri for use in internal combustion engines shall contain at least the following stated percentage of biodiesel fuel oil by volume on and after the following dates:

(1) April 1, 2022, and until March 31, 2023, five percent;

(2) April 1, 2023, and until March 31, 2025, ten percent; and

(3) Beginning April 1, 2025, twenty percent.

Except as provided in this subsection, the minimum content levels in subdivisions (2) and (3) of this subsection are effective during the months of April, May, June, July, August, September, and October only and the minimum content for the remainder of the year is five percent. However, if the Missouri department of agriculture's division of weights, measures and consumer protection determines that an ASTM International specification or equivalent federal standard exists for the specified biodiesel blend level in subdivisions (2) and (3) of this subsection that adequately addresses technical issues associated with Missouri's typical weather patterns and publish a notice in the Missouri register to that effect, the department of agriculture may allow the specified biodiesel blend level in subdivisions (2) and (3) of this subsection to be effective year-round. In each year that the seasonal reduction to five percent is in effect, the minimum content level of diesel fuel sold or offered for sale at retail in Missouri from April first to April thirtieth may be less than the level required under subdivisions (2) and (3) of this subsection in order to allow for the transition of blends.

4. The minimum content levels in subdivisions (2) and (3) of subsection 3 of this section become effective on the date specified only if the director of the department of agriculture submits notice in the Missouri register that the following conditions have been met and the state is prepared to move to the next scheduled minimum content level:

(1) An ASTM International specification or equivalent federal standard exists for the next minimum diesel-biodiesel blend; and

(2) A sufficient supply of biodiesel is available and at least fifty percent of the biodiesel is produced in the state of Missouri.

5. By January 15, 2023, and biennially thereafter, the director of the division of energy shall determine the preceding twelve-month rolling average of wholesale diesel price at various pipeline and refinery terminals in Missouri, and the preceding twelve-month rolling average of biodiesel price determined after credits and incentives are subtracted at biodiesel plants in Missouri. The director shall consult with the directors of the department of natural resources and the department of agriculture, and may by emergency rule adjust the biodiesel mandate if a price disparity reported by the directors will cause economic hardship to the state. Any adjustment shall be for a specified period

of time, after which the percentage of biodiesel fuel to be blended into diesel fuel returns to the amount required in subsection 3 of this section. The biodiesel blend shall not be adjusted to less than five percent.

6. The director of the department of agriculture may waive specific requirements in this section and in regulations promulgated according to this section, or may establish temporary alternative requirements for fuels as determined to be necessary in the event of an extreme and unusual fuel supply circumstance as a result of a feed stock shortage, emergency, or a natural disaster as determined by the director for a specified period of time. If any action is taken by the director under this section, the director shall:

(1) Review the action after thirty days; and

(2) Notify industry stakeholders of such action.

Any waiver issued or action taken under this subsection shall be as limited in scope and applicability as necessary, and shall apply equally and uniformly to all persons and companies in the impacted biodiesel fuel supply and distribution system, including but not limited to biodiesel producers, terminals, distributors, position holders and retailers.

7. The minimum content requirements of subsection 3 of this section do not apply to No. 1-D fuel and fuel used in the following equipment:

(1) Motors located at an electric generating plant;

(2) Railroad locomotives;

(3) Stationary power generators;

(4) Off-road mining equipment and machinery;

(5) Off-road logging equipment and machinery; and

(6) Vessels of the United States Coast Guard and vessels subject to inspection under 46 U.S.C. Section 3301(1), (9), (10), (13), or (15).

8. (1) A refinery, position holder, or terminal shall provide, at the time diesel fuel is sold or transferred from the refinery or terminal, a bill of lading or shipping manifest to the person who receives the fuel. For biodiesel blends, the bill of lading or shipping manifest shall disclose biodiesel content, stating volume percentage, gallons of biodiesel per gallons of petroleum diesel base-stock, or an ASTM "Bxx" designation where "xx" denotes the volume percent biodiesel included in the blended product. This subsection shall not apply to sales or transfers of biodiesel blend stock between refineries, between terminals, or between a refinery and a terminal.

(2) A delivery ticket required under section 413.125 for a biodiesel blend shall state the volume percentage of biodiesel blended into the diesel fuel delivered through a meter into a storage tank used for dispensing into motor vehicles powered by an internal combustion engine and not exempt under subsection 3 of this section.

9. All terminals in Missouri that sell diesel fuel shall offer for sale, in cooperation with position holders and suppliers, biodiesel blends set forth in subsection 3 of this section and unblended diesel fuel.

10. Notwithstanding any other law to the contrary, all fuel retailers, wholesalers, distributors, and

marketers shall be allowed to purchase biodiesel from any terminal, position holder, biodiesel producer, biodiesel wholesaler, or supplier. In the event a court of competent jurisdiction finds that this subsection does not apply to or improperly impairs existing contractual relationships, then this subsection shall only apply to and impact future contractual relationships.

11. Beginning in 2023, the director of the division of energy shall report by January fifteenth of each year to the speaker of the house of representatives and the president pro tempore of the senate regarding the implementation of the minimum content requirements in subsection 3 of this section, including information about the price and supply of biodiesel fuel. The report shall include information about the impacts of the biodiesel mandate on the development of biodiesel production capacity in the state, and on the use of feedstock grown or raised in the state for biodiesel production. Biodiesel fuel being recognized by the division of energy as a big contributor to Missouri's energy solutions industry, the division shall include recommendations on how to create continued growth and expansion for the benefit of Missouri's environment, economy, and agricultural industry.

12. The provisions of section 414.152 shall apply for purposes of enforcement of this section.

13. The department of agriculture and the department of natural resources shall establish rules and regulations 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, 2020, shall be invalid and void.

14. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset ten years after August 28, 2020, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset ten years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 5, Line 27, by deleting the phrase "**upon mutual agreement,**" on said line; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

"67.453. Sections 67.453 to 67.475 are known and may be cited as the "Neighborhood Improvement

District Act", and the following words and terms, as used in sections 67.453 to 67.475 mean:

(1) "Acquire", the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned by the city or county;

(2) "Consultant", engineers, architects, planners, attorneys, financial advisors, accountants, investment bankers and other persons deemed competent to advise and assist the governing body of the city or county in planning and making improvements;

(3) "Cost", all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies, and work done or services performed by the city or county in the administration and supervision of the improvement;

(4) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend, or to otherwise perform any work which will provide a new public facility or enhance, extend or restore the value or utility of an existing public facility;

(5) "Improvement", any one or more public facilities or improvements which confer a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement. Improvements include, but are not limited to, the following activities:

(a) To acquire property or interests in property when necessary or desirable for any purpose authorized by sections 67.453 to 67.475;

(b) To open, widen, extend and otherwise to improve streets, paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes;

(c) To improve main and lateral storm water drains and sanitary sewer systems, and appurtenances thereto;

(d) To improve street lights and street lighting systems;

(e) To improve waterworks systems;

(f) **To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;**

(g) To improve parks, playgrounds and recreational facilities;

[(g)**] (h)** To improve any street or other facility by landscaping, planting of trees, shrubs, and other plants;

[(h)**] (i)** To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto;

[(i)**] (j)** To improve vehicle and pedestrian bridges, overpasses and tunnels;

[(j)**] (k)** To improve retaining walls and area walls on public ways or land abutting thereon;

[(k)**] (l)** To improve property for off-street parking facilities including construction and equipment of buildings thereon;

[(l)**] (m)** To acquire or improve any other public facilities or improvements deemed necessary by the governing body of the city or county; and

[(m)**] (n)** To improve public safety;

(6) "Neighborhood improvement district", an area of a city or county with defined limits and boundaries which is created by vote or by petition under sections 67.453 to 67.475 and which is benefitted by an improvement and subject to special assessments against the real property therein for the cost of the improvement.

67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand,

as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100. Those exempt pursuant to subdivisions (2) and (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk café tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) **To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;**

(30) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1842. 1. In managing the public right-of-way and in imposing fees pursuant to sections 67.1830 to 67.1846, no political subdivision shall:

(1) Unlawfully discriminate among public utility right-of-way users;

(2) Grant a preference to any public utility right-of-way user;

(3) Create or erect any unreasonable requirement for entry to the public right-of-way by public utility right-of-way users;

(4) Require a telecommunications company to obtain a franchise **or written agreement, other than a permit,** or require a public utility right-of-way user to pay for the use of the public right-of-way, except as provided in sections 67.1830 to 67.1846;

(5) Enter into a contract or any other agreement for providing for an exclusive use, occupancy or access to any public right-of-way; or

(6) Require any public utility that has legally been granted access to the political subdivision's right-of-way to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the political subdivision.

2. A public utility right-of-way user shall not be required to apply for or obtain right-of-way permits for projects commenced prior to August 28, 2001, requiring excavation within the public right-of-way, for which the user has obtained the required consent of the political subdivision, or that are otherwise lawfully occupying or performing work within the public right-of-way. The public utility right-of-way user may be required to obtain right-of-way permits prior to any excavation work performed within the public right-of-way after August 28, 2001.

3. A political subdivision shall not collect a fee imposed pursuant to section 67.1840 through the provision of in-kind services by a public utility right-of-way user, nor require the provision of in-kind services as a condition of consent to use the political subdivision's public right-of-way; however, nothing in this subsection shall preclude requiring services of a cable television operator, open video system provider or other video programming provider as permitted by federal law.

67.1846. 1. Nothing in sections 67.1830 to 67.1846 relieves the political subdivision of any obligations under an existing franchise agreement in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846 will apply to that portion of any ordinance passed prior to May 1, 2001, which establishes a street degradation

fee. Nothing in sections 67.1830 to 67.1846 shall be construed as limiting the authority of county highway engineers or relieving public utility right-of-way users from any obligations set forth in chapters 229 to 231. Nothing in sections 67.1830 to 67.1846 shall be deemed to relieve a public utility right-of-way user of the provisions of an existing franchise, franchise fees, license or other agreement or permit in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision or public utility right-of-way user from renewing or entering into a new or existing franchise, **upon mutual agreement,** as long as all other public utility right-of-way users have use of the public right-of-way on a nondiscriminatory basis. Nothing in sections 67.1830 to 67.1846 shall prevent a grandfathered political subdivision from enacting new ordinances, including amendments of existing ordinances, charging a public utility right-of-way user a fair and reasonable linear foot fee or antenna fee or from enforcing or renewing existing linear foot ordinances for use of the right-of-way, provided that the public utility right-of-way user either:

(1) Is entitled under the ordinance to a credit for any amounts paid as business license taxes**, payments in lieu of taxes,** or gross receipts taxes; or

(2) Is not required by the political subdivision to pay the linear foot fee or antenna fee if the public utility right-of-way user is paying gross receipts taxes, business license fees, or business license taxes that are not nominal and that are imposed specifically on communications-related revenue, services, or equipment.

For purposes of this section, a "grandfathered political subdivision" is any political subdivision which has, prior to May 1, 2001, enacted one or more ordinances reflecting a policy of imposing any linear foot fees on any public utility right-of-way user, including ordinances which were specific to particular public right-of-way users. Any existing ordinance or new ordinance passed by a grandfathered political subdivision providing for payment of the greater of a linear foot fee or a gross receipts tax shall be enforceable only with respect to the linear foot fee.

2. **A grandfathered political subdivision shall not charge a linear foot fee for use of its right-of-way to a small local exchange telecommunications company that is qualified as of December 31, 2019, as a small local exchange telecommunications company, as defined in section 386.020, provided that the small local exchange telecommunications company is providing internet access to customers in a grandfathered political subdivision.**

3. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from enacting, renewing or enforcing provisions of an ordinance to require a business license tax, sales tax, occupation tax, franchise tax or franchise fee, property tax or other similar tax, to the extent consistent with federal law. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from enacting, enforcing or renewing provisions of an ordinance to require a gross receipts tax pursuant to chapter 66, chapter 92, or chapter 94. For purposes of this subsection, the term "franchise fee" shall mean "franchise tax".**"**; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 12, Section 144.030, Line 402, by inserting after all of said section and line the following:

"393.135. **Except as provided in section 393.1250,** any charge made or demanded by an electrical corporation for service, or in connection therewith, which is based on the costs of construction **work** in progress**, as that term is defined in section 393.1250,** upon any existing or new **[**facility of the**]** electrical

corporation **facility**, or any other cost associated with owning, operating, maintaining, or financing any **such** property before it is fully operational and used for service**[**, is unjust and unreasonable, and**]** is prohibited."; and

Further amend said bill, Page 18, Section 393.1015, Line 107, by inserting after all of said section and line the following:

"**393.1250. 1. This section shall be known and may be cited as the "Missouri Nuclear Clean Power Act", the purpose of which is to enable the construction of clean baseload electric generating plants within this state or facilities that utilize renewable sources to produce energy. This section shall not apply to clean baseload electric generating plants or renewable source generating facilities that are in commercial operation before August 28, 2020.**

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

(1) "Clean baseload generating plant", a new nuclear-fueled electric generating facility located in this state that is designed to be operated at a capacity factor exceeding seventy percent annually and is intended in whole or in part to serve retail customers of an electrical corporation in Missouri;

(2) "Construction work in progress", the electrical corporation's share of all capital costs associated with a clean baseload generating plant or renewable source generating facility, which have been incurred but have not been included in the electrical corporation's plant in service, and are recorded in the Federal Energy Regulatory Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, Balance Sheet Chart Accounts, as construction work in progress for electric plants in 18 CFR Part 101, or any other account established in the Uniform System of Accounts for the recording of construction work in progress;

(3) "Renewable source generating facility", any electric generating facility powered by wind, hydropower, solar power, landfill methane, biomass, or any other renewable source of power that does not produce significant carbon emissions.

3. The provisions of section 393.135 shall not apply to a clean baseload generating plant, or a renewable source generating facility if the plant or facility is rated at two hundred megawatts or more. Costs recovered by an electrical corporation under the provisions of this section are subject to inclusion or exclusion from rates in a ratemaking proceeding pursuant to the commission's authority to determine just and reasonable rates. In addition, the commission may authorize an electrical corporation to make or demand charges for service based in whole or in part on additional amortizations to maintain the electrical corporation's financial ratios that will, in the commission's judgment, better enable the electrical corporation to cost-effectively construct a clean baseload generating plant or a renewable source generating facility.

4. The commission may promulgate rules to assist in the implementation 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, 2020, shall be invalid and void."; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

"**137.123. Beginning January 1, 2021, for purposes of assessing all real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity, the following depreciation tables shall be used to determine the true value in money of such property. The first year shown in the table shall be the year immediately following the year of construction of the property. The original costs shall reflect either:**

(1) The actual and documented original property cost to the taxpayer, as shall be provided by the taxpayer to the assessor; or

(2) In the absence of actual and documented original property cost to the taxpayer, the estimated cost of the property by the assessor, using an authoritative cost guide.

For purposes of this section, and to estimate the value of all real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity, each assessor shall apply the percentage shown to the original cost for the first year following the year of construction of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	**Percentage**
1	**40%**
2	**40%**
3	**37%**
4	**37%**
5	**35%**

Any real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity shall continue in subsequent years to have the depreciation percentage last listed in the appropriate column in the table."; and

Further amend said bill, Page 12, Section 144.030, Line 402, by inserting after all of said section and line the following:

"153.030. 1. All bridges over streams dividing this state from any other state owned, used, leased or otherwise controlled by any person, corporation, railroad company or joint stock company, and all bridges across or over navigable streams within this state, where the charge is made for crossing the same, which are now constructed, which are in the course of construction, or which shall hereafter be constructed, and all property, real and tangible personal, owned, used, leased or otherwise controlled by telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies and express companies shall be subject to taxation for state, county, municipal and other local purposes to the same extent as the property of private persons.

2. And taxes levied thereon shall be levied and collected in the manner as is now or may hereafter be provided by law for the taxation of railroad property in this state, and county commissions, county boards of equalization and the state tax commission are hereby required to perform the same duties and are given the same powers, including punitive powers, in assessing, equalizing and adjusting the taxes on the property set forth in this section as the county commissions and boards of equalization and state tax commission have or may hereafter be empowered with, in assessing, equalizing, and adjusting the taxes on railroad property; and an authorized officer of any such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express company or the owner of any such toll bridge, is hereby required to render reports of the property of such bridge, telegraph, telephone, electric power and light companies, electric transmission lines, pipeline companies, or express companies in like manner as the authorized officer of the railroad company is now or may hereafter be required to render for the taxation of railroad property.

3. On or before the fifteenth day of April in the year 1946 and each year thereafter an authorized officer of each such company shall furnish the state tax commission and county clerks a report, duly subscribed and sworn to by such authorized officer, which is like in nature and purpose to the reports required of railroads under chapter 151 showing the full amount of all real and tangible personal property owned, used, leased or otherwise controlled by each such company on January first of the year in which the report is due.

4. If any telephone company assessed pursuant to chapter 153 has a microwave relay station or stations in a county in which it has no wire mileage but has wire mileage in another county, then, for purposes of apportioning the assessed value of the distributable property of such companies, the straight line distance between such microwave relay stations shall constitute miles of wire. In the event that any public utility company assessed pursuant to this chapter has no distributable property which physically traverses the counties in which it operates, then the assessed value of the distributable property of such company shall be apportioned to the physical location of the distributable property.

5. (1) Notwithstanding any provision of law to the contrary, beginning January 1, 2019, a telephone company shall make a one-time election within the tax year to be assessed:

(a) Using the methodology for property tax purposes as provided under this section; or

(b) Using the methodology for property tax purposes as provided under this section for property consisting of land and buildings and be assessed for all other property exclusively using the methodology utilized under section 137.122.

If a telephone company begins operations, including a merger of multiple telephone companies, after August 28, 2018, it shall make its one-time election to be assessed using the methodology for property tax purposes as described under paragraph (b) of subdivision (1) of this subsection within the year in which the telephone company begins its operations. A telephone company that fails to make a timely election shall be deemed to have elected to be assessed using the methodology for property tax purposes as provided under subsections 1 to 4 of this section.

(2) The provisions of this subsection shall not be construed to change the original assessment jurisdiction of the state tax commission.

(3) Nothing in subdivision (1) of this subsection shall be construed as applying to any other utility.

(4) (a) The provisions of this subdivision shall ensure that school districts may avoid any fiscal impact as a result of a telephone company being assessed under the provisions of paragraph (b) of subdivision (1)

of this subsection. If a school district's current operating levy is below the greater of its most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073, it shall comply with section 137.073.

(b) Beginning January 1, 2019, any school district currently operating at a tax rate equal to the greater of the most recent voter-approved tax rate or the most recent voter-approved tax rate as adjusted under subdivision (2) of subsection 5 of section 137.073 that receives less tax revenue from a specific telephone company under this subsection, on or before January thirty-first of the year following the tax year in which the school district received less revenue from a specific telephone company, may by resolution of the school board impose a fee, as determined under this subsection, in order to obtain such revenue. The resolution shall include all facts that support the imposition of the fee. If the school district receives voter approval to raise its tax rate, the district shall no longer impose the fee authorized in this paragraph.

(c) Any fee imposed under paragraph (b) of this subdivision shall be determined by taking the difference between the tax revenue the telephone company paid in the tax year in question and the tax revenue the telephone company would have paid in such year had it not made an election under subdivision (1) of this subsection, which shall be calculated by taking the telephone company valuations in the tax year in question, as determined by the state tax commission under paragraph (d) of this subdivision, and applying such valuations to the apportionment process in subsection 2 of section 151.150. The school district shall issue a billing, as provided in this subdivision, to any such telephone company. A telephone company shall have forty-five days after receipt of a billing to remit its payment of its portion of the fees to the school district. Notwithstanding any other provision of law, the issuance or receipt of such fee shall not be used:

a. In determining the amount of state aid that a school district receives under section 163.031;

b. In determining the amount that may be collected under a property tax levy by such district; or

c. For any other purpose.

For the purposes of accounting, a telephone company that issues a payment to a school district under this subsection shall treat such payment as a tax.

(d) When establishing the valuation of a telephone company assessed under paragraph (b) of subdivision (1) of this subsection, the state tax commission shall also determine the difference between the assessed value of a telephone company if:

a. Assessed under paragraph (b) of subdivision (1) of this subsection; and

b. Assessed exclusively under subsections 1 to 4 of this section.

The state tax commission shall then apportion such amount to each county and provide such information to any school district making a request for such information.

(e) This subsection shall expire when no school district is eligible for a fee.

6. (1) If any public utility company assessed pursuant to this chapter has ownership of any real or personal property associated with a project which uses wind energy directly to generate electricity, such wind energy project property shall be valued and taxed by any local authorities having jurisdiction under the provisions of chapter 137 and other relevant provisions of the law.

(2) Notwithstanding any provision of law to the contrary, beginning January 1, 2020, for any public utility company assessed pursuant to this chapter which has a wind energy project, such wind energy project

shall be assessed using the methodology for real and personal property as provided in this subsection:

(a) Any wind energy property of such company shall be assessed upon the county assessor's local tax rolls; **and**

(b) **[**Any property consisting of land and buildings related to the wind energy project shall be assessed under chapter 137; and

(c)**]** All other **[**business**]** **real property, excluding land,** or personal property related to the wind energy project shall be assessed using the methodology provided under section **[**137.122**]** **137.123**."; and

Further amend said bill, Page 26, Section 67.5122, Line 5, by inserting after all of said section and line the following:

"**[** 393.1073. 1. There is hereby established the "Task Force on Wind Energy", which shall be composed of the following members:

(1) Three members of the house of representatives, with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives;

(2) Three members of the senate, with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate; and

(3) Two representatives from Missouri county governments with experience in wind energy valuations, with one being a currently elected county assessor to be appointed by the speaker of the house of representatives, and one being a currently elected county clerk to be appointed by the president pro tempore of the senate.

2. The task force shall conduct public hearings and research, and shall compile a report for delivery to the general assembly by no later than December 31, 2019. Such report shall include information on the following:

(1) The economic benefits and drawbacks of wind turbines to local communities and the state;

(2) The fair, uniform, and standardized assessment and taxation of wind turbines and their connected equipment owned by a public utility company at the county level in all counties;

(3) Compliance with existing federal and state programs and regulations; and

(4) Potential legislation that will provide a uniform assessment and taxation methodology for wind turbines and their connected equipment owned by a public utility company that will be used in every county of Missouri.

3. The task force shall meet within thirty days after its creation and shall organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it. A majority of the task force shall constitute a quorum, and a majority vote of such quorum shall be required for any action.

4. The staff of house research and senate research shall provide necessary clerical,

research, fiscal, and legal services to the task force, as the task force may request.

5. The members of the task force shall serve without compensation, but any actual and necessary expenses incurred in the performance of the task force's official duties by the task force, its members, and any staff assigned to the task force shall be paid from the joint contingent fund.

6. This section shall expire on December 31, 2019.**]**"; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 618, Page 12, Section 144.030, Line 402, by inserting after all of said section and line the following:

"247.200. **1.** The district shall have the right to lay its mains in public highways, roads, streets and alleys included in the district, but the same shall be done under reasonable rules and regulations of governmental bodies having jurisdiction of such public places. This shall apply to maintenance and repair jobs. In the construction of ditches, laying of mains, filling of ditches after mains are laid, connection of service pipes and repairing of lines, due regard must be taken of the rights of the public in its use of thoroughfares and the equal rights of other utilities thereto.

2. No district shall require a secondary deposit from commercial property owners. For the purposes of this subsection, a commercial property is a property that is zoned for commercial use by the zoning authority that has jurisdiction over the property.

3. If a water meter has been removed from a property or if services to a property have been discontinued, no future charges may be made to the customer for service to that property. Any charges made after service is discontinued or the water meter is removed shall be credited to the customer and applied toward any future charges to such customer by the district.

247.285. 1. No metropolitan water supply district shall require a secondary deposit from commercial property owners. For the purposes of this subsection, a commercial property is a property that is zoned for commercial use by the zoning authority that has jurisdiction over the property.

2. If a water meter has been removed from a property or if services to a property have been discontinued, no future charges shall be made to the customer for service to that property. Any charges made after service is discontinued or the water meter is removed shall be credited to the customer and applied toward any future charges to such customer by the metropolitan water supply district."; 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 **SS** for **SCS** for **HB 1768**, as amended. Representatives: Riggs, Miller, Francis, Roberts (77), Pierson Jr..

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 **SS No. 2** for **SCS** for **HB 1450**, **HB 1296**, **HCS** for **HB 1331** and **HCS** for **HB 1898**, as amended. Representatives: Schroer, Henderson, Patterson, Mitten, Sauls.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1710**, entitled:

An Act to repeal sections 53.010, 82.550, 137.115, 137.385, and 138.060, RSMo, and to enact in lieu thereof four new sections relating to taxation of property.

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 **HCS** for **HB 2555**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the cost openness and spending transparency act.

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 refuses to adopt **SS** for **HCS** for **HB 2046**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

HOUSE BILLS ON THIRD READING

HB 1330, introduced by Representative Veit, with **SCS**, entitled:

An Act to authorize the conveyance of certain state property.

Was taken up by Senator Bernskoetter.

SCS for **HB 1330**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1330

An Act to authorize the conveyance of certain state property, with an emergency clause.

Was taken up.

Senator Bernskoetter moved that **SCS** for **HB 1330** be adopted.

Senator Bernskoetter offered **SS** for **SCS** for **HB 1330**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1330

An Act to repeal section 523.262, RSMo, and to enact in lieu thereof seven new sections relating to the conveyance of real property, with an emergency clause.

Senator Bernskoetter moved that **SS** for **SCS** for **HB 1330** be adopted.

Senator Sifton raised the point of order that **SS** for **SCS** for **HB 1330** goes beyond the original scope and purpose of the bill. The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1330, Page 3, Section 523.262, Line 15, by inserting immediately after said line the following:

"**(4) Any entity that has received approval for a certificate of convenience and necessity from the public service commission to construct and maintain a merchant line shall be exempt from the provisions of this subsection.**".

Senator Sifton moved that the above amendment be adopted.

At the request of Senator Bernskoetter, **SS** for **SCS** for **HB 1330** was withdrawn, rendering **SA 1** moot.

Senator Hough assumed the Chair.

Senator O'Laughlin offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1330, Page 16, Section 6, Line 153, by inserting immediately after said line the following:

"**Section 10. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of Moberly, Randolph County, Missouri. The property to be conveyed is more particularly described as follows:**

Starting at a point 420 feet south, and 30 feet west of the NE corner of the NW ¼ NE¼ of Section 25, Township 53 N., Range 14 W., thence West 550 feet parallel with the North line of said Section 25, thence N. 45° W.to a point 100 feet south of the north line of said Section 25, thence west parallel with said north line of said Section 25, 260 feet, thence S. 450 W. to the easterly right-of-way of U. S. Highway Route 63, thence southeasterly around the curve of the said easterly right-of-way of U. S. Route 63, to a point 120 feet south of the south line of the NW ¼ NE¼ of Section 25, 53, 14, thence northeasterly to a point 30 feet west and 865 feet south of the NE corner of the NW ¼ NE¼ of said Section 25, thence N. 445 feet more or less to place of beginning: said tract containing 23.1 acres, more or less, and being situated in parts of the NW ¼ NE¼ and

the NE¼ NW ¼, and the SW ¼ NE¼ of Section 25, Township 53 N., Range 14 West, in Randolph County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.".

Senator O'Laughlin moved that the above amendment be adopted, which motion prevailed.

Senator Riddle officer **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1330, Page 6, Section 3, Line 6, by inserting immediately before said line the following:

"**PROPERTY BOUNDARY DESCRIPTION - TRACT A**"; and further amend line 16, by striking the word "continuing".

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

Senator Bernskoetter moved that **SCS** for **HB 1330**, as amended, be adopted, which motion prevailed.

On motion of Senator Bernskoetter, **SCS** for **HB 1330**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	May
Nasheed	O'Laughlin	Onder	Riddle	Rizzo	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	White	Wieland
Williams—29						

NAYS—Senators—None

Absent—Senator Brown—1

Absent with leave—Senator Libla—1

Vacancies—3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Burlison	Cierpiot	Crawford	Cunningham	Eigel
Emery	Hegeman	Hoskins	Hough	Koenig	Luetkemeyer	Nasheed
O'Laughlin	Onder	Riddle	Rizzo	Rowden	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—27	

NAYS—Senator May—1

Absent—Senators

Brown Sater—2

Absent with leave—Senator Libla—1

Vacancies—3

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.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2002**, as amended: Senators Arthur, Nasheed, Hegeman, Hough and Riddle.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2003**: Senators Arthur, Nasheed, Hegeman, Hough and Rowden.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2004**, as amended: Senators Rizzo, Williams, Hegeman, Hough and Hoskins.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2005**: Senators Rizzo, Arthur, Hegeman, Hough and Cunningham.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 2006**: Senators Rizzo, Arthur, Hegeman, Hough and Cunningham.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2007**: Senators Rizzo, Walsh, Hegeman, Hough and Sater.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2008**, as amended: Senators Rizzo, Nasheed, Hegeman, Hough and Brown.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2009**: Senators Rizzo, Williams, Hegeman, Hough and Hoskins.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2010**, as amended: Senators Rizzo, Williams, Hegeman, Hough and Sater.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2011**, as amended: Senators Hegeman, Hough, Sater, Nasheed and Williams.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 2012**: Senators Hegeman, Hough, Sater, Rizzo and Williams.

RESOLUTIONS

Senator Luetkemeyer offered Senate Resolution No. 1446, regarding Madison Grooms, St. Joseph, which was adopted.

Senator White offered Senate Resolution No. 1447, regarding Alison Malinowski Sunday, Joplin, which was adopted.

Senator White offered Senate Resolution No. 1448, regarding Bryan Shallenburger, Carl Junction, which was adopted.

COMMUNICATIONS

President Pro Tem Schatz submitted the following:

May 6, 2020

Ms. Adriane Crouse
Secretary of Senate
State Capitol, Room 325
Jefferson City, MO 65101

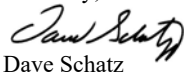
Dear Ms. Crouse:

Due to my absence during the legislative day, May 7, 2020, I authorize the Senate Majority Floor Leader to exercise the following duties:

1. Take reports of Standing Committees

2. Second read and refer bills

Sincerely,



Dave Schatz

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

SENATE CALENDAR

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FIFTY-FIRST DAY–THURSDAY, MAY 7, 2020

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1710-Eggleston

HCS for HB 2555

HOUSE BILLS ON THIRD READING

HCS for HB 2120, with SCS (Wallingford)
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 522-Sater
SB 524-Sater
SB 525-Emery, with SCS, SS for SCS & SA 1 (pending)
SB 526-Emery, with SCS
SB 529-Cunningham, with SCS
SB 530-Cunningham, with SCS, SS for SCS & SA 1 (pending)
SB 531-Wallingford, with SS & SA 1 (pending)
SB 537-Libla
SBs 538, 562 & 601-Libla, with SCS, SS for SCS & SA 1 (pending)
SB 539-Libla, with SA 1 (pending)
SB 542-Nasheed, with SCS
SB 548-Hegeman
SB 555-Riddle
SB 557-Schatz, with SCS
SB 558-Schatz, with SCS
SB 559-Schatz, with SCS
SB 568-Hoskins, with SCS
SB 572-Rowden
SB 575-Eigel, with SS#2 & SA 2 (pending)
SB 576-Crawford, with SCS
SB 581-Cierpiot, with SCS
SB 583-Arthur, with SCS
SB 586-Bernskoetter, with SCS
SB 590-Burlison, with SCS
SB 592-White
SB 595-Hough, with SCS
SBs 602, 778 & 561-Luetkemeyer, with SCS
SB 605-O'Laughlin, with SCS
SB 608-May, with SCS
SB 612-Emery, with SCS
SB 613-Emery, with SCS
SB 615-Cunningham
SB 625-Libla, with SCS
SB 633-Hegeman
SB 636-Wieland
SB 639-Riddle
SB 640-Onder
SB 645-Hoskins, with SCS
SB 646-Koenig
SB 647-Koenig, with SCS
SB 648-Koenig, with SCS, SS#2 for SCS & SA 1 (pending)
SB 649-Eigel
SB 661-Bernskoetter, with SCS
SB 665-Burlison
SB 670-Hough, with SCS, SS for SCS & SA 1 (pending)
SB 674-Brown
SBs 675 & 705-Luetkemeyer, with SCS
SB 677-Luetkemeyer
SB 690-Cunningham
SB 696-Sifton
SB 699-Riddle, with SCS
SB 701-Onder
SB 703-Hoskins, with SCS
SB 714-Burlison, with SCS
SB 716-Burlison
SB 748-White

SB 756-Sifton, with SCS
SB 764-Onder, with SCS
SB 768-Onder, with SCS
SB 779-Crawford
SB 780-Hough, with SCS
SB 784-Wallingford
SB 797-Wieland, with SCS
SB 802-Hegeman
SB 809-Brown, with SCS
SB 857-Luetkemeyer, with SCS
SB 885-Walsh
SB 896-Eigel
SB 996-Onder, with SCS
SJR 31-Sater
SJR 32-Sater
SJR 33-Emery, with SCS
SJR 40-Koenig
SJR 44-Eigel
SJRs 48, 41 & 43-Luetkemeyer, with SCS
SJR 59-Eigel
SJR 61-Nasheed, with SCS

HOUSE BILLS ON THIRD READING

HB 1383-Washington, with SCS (Onder)
HCS for HB 1414, with SCS (Sater)
HB 1559-Remole, with SCS (Hoskins)
HB 1640-Taylor (Bernskoetter)
HCS for HB 1682, with SCS (Sater)
HCS for HB 1683, with SCS (Wallingford)
HB 1700-Fishel, with SCS (Hough)
HB 1963-Fitzwater, with SCS, SS for SCS, SA 7 & SA 1 to SA 7 (pending) (Libla)
HCS for HB 2049, with SCS (Emery)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 618-Wallingford, with HCS, as amended
SCS for SB 653-Crawford, with HCS, as amended
SCS for SB 662-Bernskoetter, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HB 1450, HB 1296, HCS for HB 1331 & HCS for HB 1898-Schroer, with SS# 2 for SCS, as amended (Luetkemeyer)
HB 1768-Riggs, with SS for SCS, as amended (Hegeman)
HS for HCS for HB 2002, with SCS, as amended (Hegeman)
HS for HCS for HB 2003, with SCS (Hegeman)
HS for HCS for HB 2004, with SCS, as amended (Hegeman)
HS for HCS for HB 2005, with SCS (Hegeman)
HS for HCS for HB 2006, with SS for SCS (Hegeman)

HS for HCS for HB 2007, with SCS (Hegeman)
HS for HCS for HB 2008, with SCS, as amended (Hegeman)
HS for HCS for HB 2009, with SCS (Hegeman)
HS for HCS for HB 2010, with SCS, as amended (Hegeman)
HS for HCS for HB 2011, with SCS, as amended (Hegeman)
HS for HCS for HB 2012, with SCS (Hegeman)
HCS for HB 2013, with SCS (Hegeman)

Requests to Recede or Grant Conference

HCS for HB 2046, with SS, as amended (Bernskoetter)
(House requests Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 28-Luetkemeyer
SCR 29-Wallingford
SCR 30-Schupp
SCR 31-Emery
SCR 33-May
SCR 34-Hoskins
SCR 35-Hoskins

✓