

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

SIXTIETH DAY, TUESDAY, APRIL 30, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Representative John McCaherty.

Father, Your word tells that this is the day which You have made, let us be glad and rejoice in it. We bow before Your throne of grace this morning asking You for Your help, Your wisdom, and Your foresight. What an honor and privilege You have given us to serve You and the people of Missouri in these great chambers. We ask that You grant us boldness when it is time to speak, humility when it is time to listen and learn, mercy when it is time to forgive, and courage when it is time to act.

And the House says, "Amen."

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Jack Hanaway.

The Journal of the fifty-ninth day was approved as printed.

HOUSE RESOLUTION

Representative Butler, et al. offered House Resolution No. 2594.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2459 through House Resolution No. 2559

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Flanigan reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#2 SCS SJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS#2 SCS SB 1**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 23**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 51**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 116**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 330**, begs leave to report it has examined the same and recommends that it **Do Pass**.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **HB 163** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 163** was delivered to the Governor by the Chief Clerk of the House.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HCS HJRs 11 & 7, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Parson, Munzlinger, Brown, Justus and Sifton.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SS HCS HJRs 11 & 7: Representatives Smith (120), Reiboldt and Black

THIRD READING OF HOUSE JOINT RESOLUTION

HCS HJR 26, relating to parental rights, was taken up by Representative Richardson.

On motion of Representative Richardson, **HCS HJR 26** was read the third time and passed by the following vote:

AYES: 131

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman

Dugger	Ellinger	Ellington	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	May	Mayfield	McCaherty	McGaugh
McKenna	McManus	Messenger	Miller	Mims
Molendorp	Moon	Morris	Neely	Neth
Norr	Parkinson	Peters	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Wright	Zerr

Mr Speaker

NOES: 023

Butler	Colona	Curtis	Dunn	Gardner
Hubbard	Kirkton	LaFaver	Marshall	McCann Beatty
McDonald	McNeil	Meredith	Mitten	Montecillo
Morgan	Newman	Nichols	Otto	Pace
Pierson	Schupp	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 009

Carpenter	Grisamore	Keeney	Muntzel	Smith 85
Smith 120	Swearingen	Webb	Webber	

Speaker Jones declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HB 315, relating to prescription eye drop refills, was taken up by Representative Rowland.

Representative Hoskins assumed the Chair.

On motion of Representative Rowland, **SS HCS HB 315** was adopted by the following vote:

AYES: 152

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo

Cox	Crawford	Cross	Curtis	Curtman
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Koenig	Kolkmeyer	Korman	Kratky
LaFaver	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McCaugh	McKenna	McManus
McNeil	Meredith	Messenger	Miller	Mims
Mitten	Molendorp	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Neth	Newman
Nichols	Norr	Otto	Pace	Parkinson
Peters	Pfausch	Phillips	Pierson	Pike
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Schatz	Schieber
Schieffer	Schupp	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr			

NOES: 004

Burlison	Gardner	Marshall	Pogue
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PRESENT: 001

Scharnhorst

ABSENT WITH LEAVE: 006

Grisamore	Keeney	McDonald	Smith 85	Smith 120
Mr Speaker				

On motion of Representative Rowland, **SS HCS HB 315** was truly agreed to and finally passed by the following vote:

AYES: 143

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Cornejo	Cox	Crawford
Cross	Curtis	Curtman	Davis	Diehl
Dohrman	Dugger	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson

Hodges	Hoskins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Justus	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	May	Mayfield	McCaherty
McCann Beatty	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mims	Mitten
Montecillo	Moon	Morgan	Morris	Muntzel
Neely	Newman	Nichols	Norr	Otto
Pace	Parkinson	Peters	Pfautsch	Phillips
Pierson	Pike	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Schatz	Schieber	Schieffer	Schupp	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	Walton Gray
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr		

NOES: 004

Burlison	Gardner	Marshall	Pogue
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PRESENT: 001

Scharnhorst

ABSENT WITH LEAVE: 015

Conway 104	Cookson	Funderburk	Grisamore	Jones 50
Keeney	Kelly 45	Kirkton	McDonald	Molendorp
Neth	Smith 85	Smith 120	Swearingen	Mr Speaker

Representative Hoskins declared the bill passed.

THIRD READING OF HOUSE BILLS

HCS HB 653, relating to emergency communications services, was taken up by Representative Lauer.

On motion of Representative Lauer, **HCS HB 653** was read the third time and passed by the following vote:

AYES: 131

Allen	Anders	Austin	Barnes	Berry
Black	Brown	Burns	Butler	Carpenter
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dunn	Ellinger	Ellington
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gardner
Gatschenberger	Gosen	Grisamore	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hodges

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Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Jones 50	Justus	Kelley 127	Kelly 45
Kirkton	Kolkmeyer	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Love	Lynch
May	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Montecillo
Morgan	Morris	Muntzel	Neely	Neth
Newman	Nichols	Norr	Otto	Pace
Peters	Pfautsch	Phillips	Pierson	Pike
Pogue	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Sommer	Spencer	Stream	Swan
Swearingen	Thomson	Walker	Walton Gray	Webb
Webber	White	Wilson	Wood	Wright
Zerr				

NOES: 026

Anderson	Bahr	Bernskoetter	Brattin	Burlison
Cierpiot	Curtman	Dugger	Fitzpatrick	Guernsey
Haahr	Hinson	Johnson	Koenig	Leara
Lichtenegger	Marshall	Moon	Parkinson	Redmon
Rowden	Schieber	Solon	Torpey	Wieland
Mr Speaker				

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 005

Keeney	Molendorp	Rowland	Smith 85	Smith 120
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Representative Hoskins declared the bill passed.

HB 421, relating to legal tender, was taken up by Representative Curtman.

On motion of Representative Curtman, **HB 421** was read the third time and passed by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Black	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hoskins	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger

Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Anders	Berry	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	Englund	Frame	Gardner	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 001

Meredith

ABSENT WITH LEAVE: 008

Cookson	Flanigan	Hough	Keeney	Redmon
Smith 85	Smith 120	Stream		

Representative Hoskins declared the bill passed.

HCS HB 986, relating to MO HealthNet benefits, was taken up by Representative Barnes.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Flanigan
Fowler	Fraker	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller

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Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 007

Brattin	Cox	Fitzwater	Keeney	Smith 85
Smith 120	Stream			

On motion of Representative Barnes, **HCS HB 986** was read the third time and passed by the following vote:

AYES: 133

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Davis	Diehl	Dohrman	Dugger	Dunn
Ellinger	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Frame	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Kirkton
Koenig	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Mayfield	McCaherty	McCann Beatty
McGaugh	McKenna	McManus	McNeil	Messenger
Miller	Mims	Mitten	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Norr
Pfautsch	Phillips	Pike	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland

Runions	Scharnhorst	Schatz	Schieffer	Schupp
Shull	Shumake	Solon	Sommer	Stream
Swan	Thomson	Torpey	Walker	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 027

Burns	Butler	Carpenter	Colona	Curtis
Curtman	Ellington	Gardner	Hubbard	Marshall
May	McDonald	Meredith	Montecillo	Morgan
Newman	Nichols	Otto	Pace	Parkinson
Peters	Pierson	Pogue	Schieber	Spencer
Swearingen	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 003

Keeney	Smith 85	Smith 120
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Representative Hoskins declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 134

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Cierpiot	Colona	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Elmer	Engler
English	Englund	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hummel	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kirkton	Koenig
Kolkmeyer	Korman	Kratky	LaFaver	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	McNeil	Meredith	Messenger
Miller	Mims	Mitten	Molendorp	Montecillo
Moon	Morgan	Morris	Muntzel	Neely
Neth	Norr	Pfautsch	Phillips	Pierson
Pike	Redmon	Rehder	Reiboldt	Rhoads
Richardson	Riddle	Rizzo	Roorda	Ross
Rowden	Rowland	Runions	Scharnhorst	Schatz
Schieffer	Schupp	Shull	Solon	Sommer
Stream	Swan	Thomson	Torpey	Walker
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

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NOES: 023

Burns	Butler	Carpenter	Curtis	Ellington
Fitzpatrick	Gardner	Hubbard	Marshall	May
McDonald	Newman	Nichols	Otto	Pace
Parkinson	Peters	Pogue	Remole	Schieber
Spencer	Swearingen	Walton Gray		

PRESENT: 000

ABSENT WITH LEAVE: 006

Gosen	Keeney	Kelly 45	Shumake	Smith 85
Smith 120				

Representative Neth assumed the Chair.

HCS HB 675, relating to diabetes training in public schools, was taken up by Representative Grisamore.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Zerr	Mr Speaker	

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield

McCann Beatty	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schupp	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Brattin	Keeney	Marshall	McDonald	Mims
Schieffer	Smith 85	Smith 120	Stream	Wood

On motion of Representative Grisamore, **HCS HB 675** was read the third time and passed by the following vote:

AYES: 137

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Black	Brattin	Brown
Burns	Butler	Carpenter	Cierpiot	Colona
Conway 10	Cookson	Cornejo	Cox	Crawford
Cross	Curtis	Davis	Diehl	Dohrman
Dugger	Dunn	Ellinger	Ellington	Elmer
Engler	English	Englund	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Gannon	Gardner	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Hummel	Hurst
Jones 50	Justus	Kelley 127	Kolkmeyer	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Lichtenegger	Love	Lynch	May	Mayfield
McCaherty	McCann Beatty	McDonald	McGaugh	McKenna
McManus	McNeil	Meredith	Messenger	Miller
Mims	Mitten	Molendorp	Montecillo	Morgan
Morris	Muntzel	Neth	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pike	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schupp	Shull
Shumake	Solon	Sommer	Stream	Swan
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wood	Wright
Zerr	Mr Speaker			

NOES: 019

Berry	Burlison	Conway 104	Curtman	Frame
Guernsey	Hinson	Johnson	Kirkton	Koenig
Marshall	Moon	Neely	Pogue	Rehder
Schieber	Spencer	Swearingen	Wilson	

PRESENT: 000

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ABSENT WITH LEAVE: 007

Funderburk	Keeney	Kelly 45	Leara	Schieffer
Smith 85	Smith 120			

Representative Neth declared the bill passed.

HCS HB 285, relating to controlled substance distribution, was taken up by Representative Pace.

On motion of Representative Pace, **HCS HB 285** was read the third time and passed by the following vote:

AYES: 144

Allen	Anders	Anderson	Austin	Bahr
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtis	Davis	Diehl
Dohrman	Dugger	Dunn	Elmer	Engler
English	Englund	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hodkins	Hough	Houghton	Hubbard
Hummel	Hurst	Johnson	Jones 50	Justus
Kelley 127	Kelly 45	Koenig	Kolkmeier	Korman
Kratky	LaFaver	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
May	Mayfield	McCaherty	McCann Beatty	McGaugh
McKenna	McManus	Meredith	Messenger	Miller
Mims	Molendorp	Montecillo	Morgan	Morris
Muntzel	Neely	Neth	Nichols	Norr
Otto	Pace	Peters	Pfautsch	Phillips
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Webb	Webber	White	Wieland	Wilson
Wood	Wright	Zerr	Mr Speaker	

NOES: 012

Colona	Curtman	Ellington	Gardner	Kirkton
McDonald	Mitten	Moon	Newman	Pierson
Schupp	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 007

Barnes	Ellinger	Keeney	McNeil	Parkinson
Smith 85	Smith 120			

Representative Neth declared the bill passed.

HCS HB 859, relating to concealed carry permits, was taken up by Representative Brattin.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 107

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 050

Black	Burns	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Walton Gray	Webb	Webber	Wright

PRESENT: 000

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ABSENT WITH LEAVE: 006

Anders	Keeney	Lynch	Smith 85	Smith 120
Swearingen				

On motion of Representative Brattin, **HCS HB 859** was read the third time and passed by the following vote:

AYES: 123

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Kelley 127
Koenig	Kolkmeyer	Korman	Kratky	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Nichols	Otto
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 034

Burns	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Gardner
Hummel	Kelly 45	Kirkton	LaFaver	May
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Norr	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 006

Anders	Keeney	Molendorp	Smith 85	Smith 120
Swearingen				

Representative Neth declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HB 210, relating to the Missouri Criminal Code, was taken up by Representative Cox.

Representative Cox offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 210, Page 93, Section 197.1002, Line 18, by inserting after the word "**neglect**." on said line the following:

"Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity."; and

Further amend said bill, Page 356, Section 565.184, Line 22, by inserting after all of said line the following:

"Nothing in this section shall be construed to mean that an elderly or disabled person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidence by such person's explicit consent, advance directive for health care, or practice."; and

Further amend said bill, Page 586, Section 630.162, Line 30, by inserting after all of said line the following:

"3. Nothing in this section shall be construed to mean that a vulnerable person is abused or neglected solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidenced by such person's explicit consent, advance directive for health care, or practice."; and

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

On motion of Representative Cox, **House Amendment No. 1** was adopted.

Representative Kratky offered **House Amendment No. 2**.

Representative Cox raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Neth requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Cox, **HCS HB 210, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 210, as amended**, was ordered perfected and printed.

On motion of Representative Diehl, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jones.

PERFECTION OF HOUSE BILLS

HCS HB 630, relating to the Manufacturing Jobs Act, was taken up by Representative McCaherty.

Representative White offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 630, Page 1, Section A, Line 2, by inserting after all of said section the following:

"620.1881. 1. The department of economic development shall respond within thirty days to a company who provides a notice of intent with either an approval or a rejection of the notice of intent. The department shall give preference to qualified companies and projects targeted at an area of the state which has recently been classified as a disaster area by the federal government. Failure to respond on behalf of the department of economic development shall result in the notice of intent being deemed an approval for the purposes of this section. A qualified company who is provided an approval for a project shall be allowed a benefit as provided in this program in the amount and duration provided in this section. A qualified company may receive additional periods for subsequent new jobs at the same facility after the full initial period if the minimum thresholds are met as set forth in sections 620.1875 to 620.1890. There is no limit on the number of periods a qualified company may participate in the program, as long as the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program or other state programs. A qualified company may elect to file a notice of intent to start a new project period concurrent with an existing project period if the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program and other state programs; however, the qualified company may not receive any further benefit under the original approval for jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent may not be included as new jobs for the purpose of benefit calculation in relation to the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (19) of section 620.1878 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, any qualified company that is awarded benefits under this program may not simultaneously receive tax credits or exemptions under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 at the same project facility. The benefits available to the company under any other state programs for which the company is eligible and which utilize withholding tax from the new jobs of the company must first be credited to the other state program before the withholding retention level applicable under the Missouri quality jobs act will begin to accrue. These other state programs include, but are not limited to, the new jobs training program under sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any qualified company also participates in the new jobs training program in sections 178.892 to 178.896, the company shall retain no withholding tax, but the department shall issue a refundable tax credit for the full amount of benefit allowed under this subdivision. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in the new job training program shall be increased by an amount equivalent to the withholding tax retained by that company under the new jobs training program. However, if the combined benefits of the quality jobs program and the new jobs training program exceed the projected state benefit of the project, as determined by the department of economic development through a cost-benefit analysis, the increase in the maximum tax credits shall be limited to the amount that would not cause the combined benefits to exceed the projected state benefit. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained.

3. The types of projects and the amount of benefits to be provided are:

(1) Small and expanding business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may

retain an amount equal to the withholding tax as calculated under subdivision (33) of section 620.1878 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 for a period of three years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds the county average wage or for a period of five years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage;

(2) Technology business projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount equal to a maximum of five percent of new payroll for a period of five years from the date the required number of jobs were created from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if the average wage of the new payroll equals or exceeds the county average wage. An additional one-half percent of new payroll may be added to the five percent maximum if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located, plus an additional one-half percent of new payroll may be added if the average wage of the new payroll in any year exceeds one hundred forty percent of the average wage in the county in which the project facility is located. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(3) High impact projects: in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may retain an amount from the withholding tax of the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265, equal to three percent of new payroll for a period of five years from the date the required number of jobs were created if the average wage of the new payroll equals or exceeds the county average wage of the county in which the project facility is located. For high-impact projects in a facility located within two adjacent counties, the new payroll shall equal or exceed the higher county average wage of the adjacent counties. The percentage of payroll allowed under this subdivision shall be three and one-half percent of new payroll if the average wage of the new payroll in any year exceeds one hundred twenty percent of the county average wage in the county in which the project facility is located. The percentage of payroll allowed under this subdivision shall be four percent of new payroll if the average wage of the new payroll in any year exceeds one hundred forty percent of the county average wage in the county in which the project facility is located. An additional one percent of new payroll may be added to these percentages if local incentives equal between ten percent and twenty-four percent of the new direct local revenue; an additional two percent of new payroll is added to these percentages if the local incentives equal between twenty-five percent and forty-nine percent of the new direct local revenue; or an additional three percent of payroll is added to these percentages if the local incentives equal fifty percent or more of the new direct local revenue. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(4) Job retention projects: a qualified company may receive a tax credit for the retention of jobs in this state, provided the qualified company and the project meets all of the following conditions:

(a) For each of the twenty-four months preceding the year in which application for the program is made the qualified company must have maintained at least one thousand full-time employees at the employer's site in the state at which the jobs are based, and the average wage of such employees must meet or exceed the county average wage;

(b) The qualified company retained at the project facility the level of full-time employees that existed in the taxable year immediately preceding the year in which application for the program is made;

(c) The qualified company is considered to have a significant statewide effect on the economy, and has been determined to represent a substantial risk of relocation from the state by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development;

(d) The qualified company in the project facility will cause to be invested a minimum of seventy million dollars in new investment prior to the end of two years or will cause to be invested a minimum of thirty million dollars in new investment prior to the end of two years and maintain an annual payroll of at least seventy million dollars during each of the years for which a credit is claimed; and

(e) The local taxing entities shall provide local incentives of at least fifty percent of the new direct local revenues created by the project over a ten-year period. The quality jobs advisory task force may recommend to the department of economic development that appropriate penalties be applied to the company for violating the agreement.

The amount of the job retention credit granted may be equal to up to fifty percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of five years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be seven hundred fifty thousand dollars per year, but the maximum amount may be increased up to one million dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting the increased limit on behalf of the job retention project. In no event shall the total amount of all tax credits issued for the entire job retention program under this subdivision exceed three million dollars annually. Notwithstanding the above, no tax credits shall be issued for job retention projects approved by the department after August 30, 2013;

(5) Small business job retention and flood survivor relief: a qualified company may receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood survivor relief in this state for each job retained over a three-year period, provided that:

(a) The qualified company did not receive any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;

(b) The qualified company and related companies have fewer than one hundred employees at the time application for the program is made;

(c) The average wage of the qualified company's and related companies' employees must meet or exceed the county average wage;

(d) All of the qualified company's and related companies' facilities are located in this state;

(e) The facilities at the primary business site in this state have been directly damaged by floodwater rising above the level of a five hundred year flood at least two years, but fewer than eight years, prior to the time application is made;

(f) The qualified company made significant efforts to protect the facilities prior to any impending danger from rising floodwaters;

(g) For each year it receives tax credits under sections 620.1875 to 620.1890, the qualified company and related companies retained, at the company's facilities in this state, at least the level of full-time, year-round employees that existed in the taxable year immediately preceding the year in which application for the program is made; and

(h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company cumulatively invests at least two million dollars in capital improvements in facilities and equipment located at such facilities that are not located within a five hundred year flood plain as designated by the Federal Emergency Management Agency, and amended from time to time. The amount of the small business job retention and flood survivor relief credit granted may be equal to up to one hundred percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of three years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a small business job retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the maximum amount may be increased up to five hundred thousand dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting an increase in the limit on behalf of the small business job retention and flood survivor relief project. In no event shall the total amount of all tax credits issued for the entire small business job retention and flood survivor relief program under this subdivision exceed five hundred thousand dollars annually. Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued for small business job retention and flood survivor relief projects approved by the department after August 30, 2010.

(6) A manufacturer of firearms, ammunition, or parts thereof that relocates to Missouri or an existing manufacturer of firearms, ammunition, or parts thereof that expands in Missouri, in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the relocation or expansion, a qualified company may retain an amount equal to the withholding tax as calculated under subdivision (33) of section 620.1878 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 for a period of three years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds the county average wage or for a period of five years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage. The maximum amount that may be retained by a qualifying company under this subsection is three million dollars annually. This subsection shall sunset six years after this subsection becomes effective.

4. The qualified company shall provide an annual report of the number of jobs and such other information as may be required by the department to document the basis for the benefits of this program. The department may withhold the approval of any benefits until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or new payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the minimum number of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the county average wage and the minimum number of new jobs. In such annual report, if the average wage is below the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of new jobs is below the minimum, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the benefit period. In the case of a qualified company that initially filed a notice of intent and received an approval from the department for high-impact benefits and the minimum number of new jobs in an annual report is below the minimum for high-impact projects, the company shall not receive tax credits for the balance of the benefit period but may continue to retain the withholding taxes if it otherwise meets the requirements of a small and expanding business under this program.

5. The maximum calendar year annual tax credits issued for the entire program shall not exceed eighty million dollars. Notwithstanding any provision of law to the contrary, the maximum annual tax credits authorized under section 135.535 are hereby reduced from ten million dollars to eight million dollars, with the balance of two million dollars transferred to this program. There shall be no limit on the amount of withholding taxes that may be retained by approved companies under this program.

6. The department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and the other factors in the determination of benefits of this program. However, the annual issuance of tax credits is subject to the annual verification of the actual new payroll. The allocation of tax credits for the period assigned to a project shall expire if, within two years from the date of commencement of operations, or approval if applicable, the minimum thresholds have not been achieved. The qualified company may retain authorized amounts from the withholding tax under this section once the minimum new jobs thresholds are met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the minimum new jobs thresholds. In the event the qualified company does not meet the minimum new job threshold, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

7. For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

8. Tax credits may be claimed against taxes otherwise imposed by chapters 143 and 148, and may not be carried forward but shall be claimed within one year of the close of the taxable year for which they were issued, except as provided under subdivision (4) of subsection 3 of this section.

9. Tax credits authorized by this section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department.

10. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that at issuance credits shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

11. Except as provided under subdivision (4) of subsection 3 of this section, the director of revenue shall issue a refund to the qualified company to the extent that the amount of credits allowed in this section exceeds the amount of the qualified company's income tax.

12. An employee of a qualified company will receive full credit for the amount of tax withheld as provided in section 143.211.

13. If any provision of sections 620.1875 to 620.1890 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared severable."; and

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

Representative Cox moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Funderburk	Gannon	Gatschenberger
Gosen	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Swearingen	Walton Gray
Webb	Webber			

PRESENT: 000

ABSENT WITH LEAVE: 019

Cierpiot	Crawford	Ellington	Entlicher	Franklin
Frederick	Gardner	Grisamore	Keeney	Lichtenegger
Lynch	Mims	Moon	Riddle	Schupp
Smith 85	Smith 120	Torpey	Wright	

On motion of Representative White, **House Amendment No. 1** was adopted.

Representative Johnson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 630, Page 6, Section 620.1910, Line 167, by inserting immediately after said line the following:

"620.1915. 1. There is hereby created in the state treasury the "Missouri International Business Advertising Fund", which shall consist of appropriated moneys, gifts, contributions, grants, or bequests to be used solely for the purpose of attracting international businesses to Missouri. The fund shall be used for advertising the benefits of relocating an international business to Missouri and may be used to advertise in international business magazines, international social media sites, or any search engine that receives international traffic. The fund may be used to promote the existence and purpose of the fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. 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. 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.

2. The Missouri international advertising fund shall be administered and managed by the Missouri small business technology and development center and its coordinator, with the primary goal of encouraging any business located outside of the United States to relocate to Missouri.

3. The Missouri small business technology and development center shall establish a committee consisting of no fewer than three but no more than five persons for the purpose of reviewing which international markets are seeing an increase of business relocating to the United States and specifically use the funds that are deposited into the Missouri international advertising fund to create a marketing campaign directed toward the international companies in these markets. The coordinator shall establish its own rules of procedure."; and

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

Representative Hummel raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Johnson, **House Amendment No. 2** was adopted.

On motion of Representative McCaherty, **HCS HB 630, as amended**, was adopted.

On motion of Representative McCaherty, **HCS HB 630, as amended**, was ordered perfected and printed.

HB 162, relating to the establishment of the Missouri Firearms Freedom Act, was taken up by Representative Sommer.

Representative Kelley (127) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 162, Page 1, Lines 2-3 in the Title, by deleting the words "the Missouri firearms freedom act" and inserting in lieu there of the word "firearms"; and

Further amend said bill, Page 3, Section 21.755, Line 74, by inserting after all of said section and line the following:

"571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection [7] **8** of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection [7] **8** of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

- (1) Is at least twenty-one years of age, is a citizen of the United States and either:
 - (a) Has assumed residency in this state; or
 - (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;
- (2) Is at least twenty-one years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:
 - (a) Has assumed residency in this state;
 - (b) Is a member of the Armed Forces stationed in Missouri; or
 - (c) The spouse of such member of the military stationed in Missouri and twenty-one years of age;
- (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
- (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;
- (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
- (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
- (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
- (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
- (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;

(10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, and date and place of birth;

(2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;

(3) An affirmation that the applicant is at least twenty-one years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; [and]

(2) A nonrefundable certificate of qualification fee as provided by subsection [10 or] 11 or 12 of this section;
and

(3) A nonrefundable anonymous fingerprint background check fee as provided for in subsection 11 of this section, if an anonymous fingerprint background check is requested by the applicant.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry

endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. An applicant may request that the fingerprint background check be done anonymously. If such request is made the sheriff shall submit the fingerprint background check with a tracking number instead of any personal identifying information. The appropriate law enforcement agencies shall report the results of anonymous fingerprint background checks to the sheriff in the same manor as those submitted with personal identifying information. The sheriff may charge an additional fee for the anonymous fingerprint background check as provided in subsection 11 of this section.

7. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

[7.] **8.** If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

[8.] **9.** The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

[9.] **10.** Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

[10.] **11.** For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. **For processing an anonymous fingerprint background check requested under subsection 6 of this section, the sheriff in each county may charge an additional nonrefundable fee in an amount not to exceed one hundred dollars, which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.**

[11.] **12.** For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

13. The Missouri state highway patrol is hereby authorized to conduct anonymous fingerprint background checks under this section and to charge up to, but no more than, the same fee charged for the complete criminal background check required under this section.

14. Whenever an applicant has requested an anonymous fingerprint background check and the results of that check do not disqualify the applicant for a certificate of qualification for a concealed carry endorsement, all records of the fingerprints submitted anonymously, including all methods of storage or archiving shall be purged of any record of the applicant's fingerprints in both the sheriff's records and the records of any law enforcement agency to which the fingerprints were submitted.

[12.] **15.** For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county."; and

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

On motion of Representative Kelley (127), **House Amendment No. 1** was adopted by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Cross	Curtman	Davis
Diehl	Dohrman	Elmer	Engler	English
Entlicher	Fitzpatrick	Fitzwater	Fowler	Fraker
Frame	Funderburk	Gannon	Gatschenberger	Gosen
Guernsey	Haahr	Haefner	Hampton	Harris
Hicks	Higdon	Hinson	Hodges	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Kelley 127	Kelly 45	Koenig
Kolkmeyer	Korman	Kratky	Lant	Lauer
Leara	Lichtenegger	Love	Marshall	Mayfield
McCaherty	McGaugh	McKenna	McManus	Messenger
Miller	Molendorp	Moon	Morris	Muntzel
Neely	Neth	Nichols	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Richardson	Riddle
Rizzo	Roorda	Ross	Rowden	Rowland
Runions	Scharnhorst	Schatz	Schieber	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Swan	Thomson	Torpey	Walker	Webber
White	Wieland	Wilson	Wood	Wright
Zerr	Mr Speaker			

NOES: 031

Anders	Burns	Butler	Carpenter	Curtis
Dunn	Ellinger	Ellington	Englund	Gardner
Hummel	Kirkton	LaFaver	May	McCann Beatty
McDonald	McNeil	Meredith	Mims	Mitten

Montecillo	Morgan	Newman	Norr	Otto
Pace	Peters	Pierson	Swearingen	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 015

Colona	Crawford	Dugger	Flanigan	Franklin
Frederick	Grisamore	Hansen	Keeney	Lair
Lynch	Schupp	Smith 85	Smith 120	Stream

Representative Gatschenberger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 162, Page 1, in the Title, Lines 2 and 3, by deleting the words, "the Missouri firearms freedom act" and inserting in lieu thereof the word, "firearms"; and

Further amend said bill, Page 3, Section 21.755, Line 74, by inserting after all of said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and

who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one] **nineteen** years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least [twenty-one] **nineteen** years of age, is a citizen of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

- (b) Is a member of the Armed Forces stationed in Missouri; or
 - (c) The spouse of such member of the military stationed in Missouri and [twenty-one] **nineteen** years of age;
 - (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
 - (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;
 - (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
 - (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
 - (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
 - (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
 - (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;
 - (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;
 - (11) Is not the respondent of a valid full order of protection which is still in effect.
3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:
- (1) The applicant's name, address, telephone number, gender, and date and place of birth;
 - (2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;
 - (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;
 - (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
 - (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;
 - (6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
 - (7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;
 - (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION OF CERTIFICATE OF QUALIFICATION OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- Defendant is not at least [twenty-one] nineteen years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
Defendant is not a citizen of the United States.
Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws

of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

Defendant has been discharged under dishonorable conditions from the United States Armed Forces.

Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.

Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.

Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.

Defendant failed to submit to or failed to clear the required background check.

Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith."; and

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

Representative LaFaver raised a point of order that **House Amendment No. 2** amends previously amended material.

The Chair ruled the point of order not well taken.

On motion of Representative Gatschenberger, **House Amendment No. 2** was adopted.

Representative Johnson offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Bill No. 162, Page 3, Section 21.755, Line 74, by inserting after all of said section and line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall not apply to or affect any of the following when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 10 of this section, and who carry the identification defined in subsection 11 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

- (5) Any person whose bona fide duty is to execute process, civil or criminal;
- (6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921;
- (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;
- (8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;
- (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; [and]
- (10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; [and]
- (11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; **and**
- (12) Any member of an ambulance service, who is employed on a full-time basis as an emergency medical technician or paramedic and who has met the training requirements for a concealed carry endorsement under section 571.111.**

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

11. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm."; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Cross	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Kelley 127	Koenig	Kolkmeyer	Korman
Lant	Lauer	Leara	Lichtenegger	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

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NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 016

Crawford	Curtman	Franklin	Frederick	Guernsey
Justus	Keeney	Lair	Lynch	Molendorp
Neth	Schatz	Schupp	Shull	Smith 85
Smith 120				

On motion of Representative Johnson, **House Amendment No. 3** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Gannon	Gatschenberger
Gosen	Grisamore	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeyer	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Marshall
McCaherty	McGaugh	Messenger	Miller	Molendorp
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnes	Crawford	Franklin	Frederick	Funderburk
Guernsey	Hoskins	Keeney	Korman	Lynch
Neth	Schatz	Schupp	Smith 85	Smith 120

On motion of Representative Sommer, **HB 162, as amended**, was ordered perfected and printed.

HB 555, relating to motorcycle helmets, was taken up by Representative Burlison.

Representative Hurst offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 555, Page 1, Line 3 in the Title, by deleting the words "protective headgear for" and inserting in lieu thereof the word "the"; and

Further amend said bill, Page 2, Section 302.020, Line 37, by inserting after all of said section and line the following:

"302.132. 1. Any person at least fifteen and one-half years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340 may apply, with the written consent of the parent or guardian of such person, for a temporary motorcycle instruction permit to operate a motorcycle or motortricycle.

2. The director shall issue a temporary motorcycle instruction permit under this section if the applicant has completed a motorcycle rider training course approved under sections 302.133 to 302.138 and is otherwise eligible for the temporary permit. **An applicant issued a temporary motorcycle instruction permit under this section may renew such permit two additional times, for a total maximum permit period of eighteen months.**

3. A person receiving a temporary motorcycle permit and having it in his or her immediate possession shall be entitled to operate a motorcycle or motortricycle for a period of six months upon the highways of the state, and persons under the age of sixteen shall be subject to the following restrictions:

- (1) The motorcycle or motortricycle may not have an engine with a displacement of greater than two hundred fifty cubic centimeters;
- (2) The operator shall not travel at any time from a half-hour after sunset to a half-hour before sunrise;
- (3) The operator shall not carry any passengers; and
- (4) The operator shall not travel over fifty miles from the operator's home address."; and

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

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Moon	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 015

Allen	Crawford	Flanigan	Franklin	Frederick
Keeney	Lynch	Mims	Reiboldt	Scharnhorst
Schupp	Shull	Smith 85	Smith 120	Stream

On motion of Representative Hurst, **House Amendment No. 1** was adopted by the following vote:

AYES: 130

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Burlison
Burns	Butler	Carpenter	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Cross
Davis	Diehl	Dugger	Dunn	Ellinger
Elmer	Engler	English	Englund	Entlicher
Fitzwater	Flanigan	Fowler	Fraker	Frame
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hubbard	Hummel
Hurst	Johnson	Jones 50	Justus	Kelley 127
Kelly 45	Kirkton	Kolkmeier	Kratky	LaFaver
Lair	Lant	Lauer	Leara	Lichtenegger
Love	May	Mayfield	McCaherty	McCann Beatty
McDonald	McGaugh	McKenna	McManus	McNeil
Meredith	Messenger	Miller	Mitten	Molendorp
Moon	Morgan	Morris	Muntzel	Neely
Newman	Nichols	Norr	Otto	Pace
Parkinson	Pfautsch	Phillips	Pike	Rehder
Remole	Rhoads	Richardson	Riddle	Rizzo
Ross	Rowden	Rowland	Runions	Schieffer
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 021

Brattin	Brown	Colona	Curtis	Curtman
Dohrman	Ellington	Fitzpatrick	Gardner	Koenig
Korman	Marshall	Montecillo	Neth	Peters
Pierson	Pogue	Roorda	Schatz	Schieber
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 012

Crawford	Franklin	Frederick	Keeney	Lynch
Mims	Redmon	Reiboldt	Scharnhorst	Schupp
Smith 85	Smith 120			

Representative Conway (104) offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 555, Page 2, Section 302.020, Line 37, by inserting after all of said section and line the following:

"302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return the license and remove the suspension from the individual's driving record if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. If any city, town [or], village, **or county** receives more than [thirty-five] **twenty** percent of its annual general operating revenue from fines and court costs for traffic violations, **including amended charges from any traffic violation**, occurring [on state highways] **within the city, town, village, or county**, all revenues from such violations in excess of [thirty-five] **twenty** percent of the annual general operating revenue of the city, town [or], village, **or county** shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. [For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.] The director of the department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above shall be sent to the department of revenue. If any city, town, [or] village, **or county** disputes a determination that it has received excess revenues required to be sent to the department of revenue, such city, town, [or], village, **or county** may submit to an annual audit by the state auditor under the authority of article IV, section 13 of the Missouri Constitution. **An accounting of the percent of annual general operating revenue from fines and court costs for traffic violations, including amended charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county shall be included in the Comprehensive Annual Financial Report submitted to the state auditor by the city, town, village, or county under section 105.145. Any city, town, village, or county which fails to make an accurate or timely report, or to send excess revenues from such violations to the director of the department of revenue by the date on which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the municipal court of said city, town, village, or county on all traffic-related charges until all requirements of this section are satisfied.** 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 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

3. **As used in subsection 2 of this section, traffic violations shall include all ordinance violations which are detected through the use of an automated traffic enforcement system, regardless of whether the ordinance violation is prosecuted as a civil infraction or not. An "automated traffic enforcement system" means a camera, optical device, electronic system, or other surveillance system designed to record and produce photographic images, video, or other digital data of a motor vehicle, a motor vehicle's operator, or both, violating a traffic**

control signal, speed restriction, or other traffic law, ordinance or regulation. Automated traffic enforcement systems shall also include automated speed enforcement systems. The term "automated speed enforcement system" means a device with one or more motor vehicle sensors, including, but not limited to, photographic devices, radar devices, laser devices, or other electrical or mechanical devices, designed to record the speed of a motor vehicle and to obtain a clear photograph or other recorded image of the motor vehicle and the motor vehicle's license plate, which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded image of a motor vehicle at the time it is used or operated in violation of the posted speed limit."; and

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

Representative Hummel raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Justus
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Egund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols

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Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Crawford	Elmer	Flanigan	Franklin
Frederick	Jones 50	Keeney	Lynch	May
Mims	Redmon	Reiboldt	Schupp	Smith 85
Smith 120	Stream			

Representative Conway (104) moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Conway 104
Cookson	Cornejo	Cox	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	Entlicher	Fitzpatrick	Fitzwater	Fowler
Fraker	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Marshall	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Rehder	Remole	Rhoads
Richardson	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mitten	Montecillo	Morgan	Newman	Nichols

Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 017

Allen	Cierpiot	Crawford	Flanigan	Franklin
Frederick	Keeney	Lynch	May	Mims
Molendorp	Reiboldt	Riddle	Schupp	Smith 85
Smith 120	Stream			

On motion of Representative Burlison, **HB 555, as amended**, was ordered perfected and printed by the following vote:

AYES: 114

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Carpenter	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Ellington
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hansen	Harris
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Kelley 127	Kelly 45	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Marshall	Mayfield	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Neth	Norr	Otto
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Schieffer	Shull	Solon
Sommer	Spencer	Swearingen	Thomson	Torpey
Walker	Walton Gray	Webb	Webber	Wieland
Wilson	Wright	Zerr	Mr Speaker	

NOES: 036

Anders	Burns	Butler	Colona	Curtis
Dunn	Ellinger	Englund	Gardner	Hampton
Hodges	Hummel	Kirkton	Kratky	LaFaver
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mitten	Montecillo	Morgan	Newman
Nichols	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Stream	Swan	White
Wood				

PRESENT: 001

Shumake

ABSENT WITH LEAVE: 012

Crawford	Franklin	Frederick	Keeney	Lynch
May	Mims	Molendorp	Reiboldt	Schupp
Smith 85	Smith 120			

HCS HB 781, relating to MO HealthNet-funded home- and community-based care, was taken up by Representative Hough.

Representative Guernsey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 781, Page 4, Section 208.895, Line 114, by inserting after all of said section and line the following:

"208.960. Health care professionals licensed under chapter 331 shall be reimbursed under the MO HealthNet program for providing services currently covered under section 208.152 and within the scope of practice under section 331.010."; and

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

On motion of Representative Guernsey, **House Amendment No. 1** was adopted.

Representative Barnes assumed the Chair.

On motion of Representative Hough, **HCS HB 781, as amended**, was adopted.

On motion of Representative Hough, **HCS HB 781, as amended**, was ordered perfected and printed.

HCS HB 936, relating to the provision of health care services, was taken up by Representative Swan.

Representative Swan offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 936, Page 1, Section 335.175, Line 4, by deleting the words **"the protocols of"**; and

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

On motion of Representative Swan, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 094

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Funderburk	Gannon	Gosen
Grisamore	Guernsey	Haahr	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Justus	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Marshall
McGaugh	Messenger	Miller	Molendorp	Moon
Morris	Muntzel	Neely	Neth	Pfautsch
Phillips	Pike	Pogue	Redmon	Rehder
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Otto	Pace	Peters	Pierson	Rizzo
Roorda	Runions	Schieffer	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 021

Cierpiot	Conway 10	Crawford	Flanigan	Franklin
Frederick	Gardner	Gatschenberger	Haefner	Jones 50
Keeney	Lynch	McCaherty	McDonald	Parkinson
Reiboldt	Riddle	Schupp	Smith 85	Smith 120
Stream				

On motion of Representative Swan, **HCS HB 936, as amended**, was adopted.

On motion of Representative Swan, **HCS HB 936, as amended**, was ordered perfected and printed.

Speaker Jones resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 1** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 2** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 3** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 4** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 5** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 6, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 7, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 8** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 9** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 10** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 11, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 12** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 13** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Schaefer, Rupp, Kehoe, Curls and Walsh.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

- SCS HCS HB 1:** Representatives Stream, Flanigan and Kirkton
- SCS HCS HB 2:** Representatives Stream, Lair and Montecillo
- SCS HCS HB 3:** Representatives Stream, Flanigan and Montecillo
- SCS HCS HB 4:** Representatives Stream, Hoskins and McCann Beatty
- SCS HCS HB 5:** Representatives Stream, Parkinson and McCann Beatty
- SCS HCS HB 6:** Representatives Stream, Redmon and Kirkton
- SCS HCS HB 7:** Representatives Stream, Flanigan and McManus
- SCS HCS HB 8:** Representatives Stream, Haefner and Kelly (45)
- SCS HCS HB 9:** Representatives Stream, Flanigan and Schupp
- SCS HCS HB 10:** Representatives Stream, Allen and Kirkton
- SCS HCS HB 11:** Representatives Stream, Flanigan and Kirkton
- SCS HCS HB 12:** Representatives Stream, Flanigan and Kelly (45)
- SCS HCS HB 13:** Representatives Stream, Flanigan and Kirkton

PERFECTION OF HOUSE BILLS

HCS HB 371, relating to judicial procedures, was taken up by Representative Cox.

Representative Barnes resumed the Chair.

Representative Cox offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 371, Section 432.047, Page 32, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"2. A debtor may not maintain an action upon or a defense, regardless of"; and

Further amend said bill, Pages 44-45, Section 488.5320, Lines 1-46, by deleting all of said section and lines and inserting in lieu thereof the following:

"488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, [excluding] **including** cases disposed of by a [traffic] violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020

and shall be payable to the county treasury; **except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.**

2. Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.

3. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[3.] **4.** The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[4.] **5.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

6. (1) There is hereby created in the state treasury the "MODEX Fund", which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the Peace Officers Standards and Training Commission established in section 590.120. 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 a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(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."; and

Further amend said bill, Page 56, Section 558.026, Line 32, by inserting after all of said section and line the following:

"559.100. 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in sections 195.275 to 195.296, section 558.018, section 559.115, section 565.020, sections 566.030, 566.060, 566.067, 566.151, and 566.213, section 571.015, and subsection 3 of section 589.425.

2. The circuit court shall have the power to revoke the probation or parole previously granted under section 559.036 and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his crime. The probation or parole may be revoked under section 559.036 for failure to pay restitution or for failure to conform his behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence.

3. Restitution, whether court ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.011, shall be paid through the office of the prosecuting attorney or circuit attorney. When ordered by the court, interest shall be allowed under subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect an administrative handling cost from the person paying restitution. The cost shall

be twenty-five dollars for restitution less than one hundred dollars and fifty dollars for restitution of one hundred dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. In addition to the administrative handling costs, an installment cost shall be assessed in the amount of two dollars per installment, excepting the first installment, until such total amount of restitution is paid in full. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that authorized by subsection 4 of this section. Notwithstanding the provisions of any other law, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per each crime victim to whom restitution is paid for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected under this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected to the credit of the Missouri office of prosecution services fund under the procedure established under subsection 2 of section 56.765. As used in this subsection, "crime victim" means any natural person or his or her survivors or legal guardians, the estate of a deceased person, a for-profit corporation or business entity, a nonprofit corporation or entity, a charitable entity, or any governmental body or a political subdivision thereof.

4. The moneys deposited in the fund may be used by the prosecuting attorney or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the prosecuting or circuit attorney in the operation of that office.

5. This fund may be audited by the state auditor's office or the appropriate auditing agency.

6. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

7. Nothing in this section shall be construed to prohibit a crime victim from pursuing other lawful remedies against a defendant for restitution.

559.105. 1. Any person who has been found guilty of or has pled guilty to [a violation of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section 570.030] **an offense** may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to[, the following:

(1)] a victim's reasonable expenses to participate in the prosecution of the crime[;

(2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or aircraft; and

(3) A victim's costs associated with towing or storage fees for the motor vehicle caused by the acts of the defendant].

2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense.

3. Any person eligible to be released on parole [for a violation of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section 570.030 may] **shall** be required, as a condition of parole, to make restitution pursuant to this section. The board of probation and parole shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served.

4. **The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement.**"; and

Further amend said bill, Section 566.226, Page 62, Line 18, by inserting after all of said section and line the following:

"570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) The person makes, issues, or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order, or other form of presentment involving the transmission of account information in full and all other checks, sight orders, or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing" means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is five hundred dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class C felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action pursuant to the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. **This fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 559.100.** The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that previously authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county. Notwithstanding any law to the contrary, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected pursuant to this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri office of prosecution services fund under the procedure established pursuant to subsection 2 of section 56.765.

(2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney in operation of that office.

(3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. Notwithstanding any other provision of law to the contrary:

(1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service

charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued;

(2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument.

7. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check."; and

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

On motion of Representative Cox, **House Amendment No. 1** was adopted.

Representative Cornejo offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 371, Section 476.057, Page 42, Line 29, by inserting after all of said line the following:

"478.007. 1. Any circuit court, or any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county municipal court established under section 66.010, may establish a docket or court to provide an alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content and:

(1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent or more by weight of alcohol in such person's blood; or

(2) The person has previously pleaded guilty to or has been found guilty of one or more intoxication-related traffic offenses as defined by section 577.023; or

(3) The person has two or more previous alcohol-related enforcement contacts as defined in section 302.525.

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the department of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role. In such case, any and all necessary additional costs may be assessed against the participant. In no case shall any person be rejected from participating in DWI court for the reason that the person does not reside in the city or county where the applicable DWI court is located."; and

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

On motion of Representative Cornejo, **House Amendment No. 2** was adopted.

Representative Cornejo offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 371, Page 26, Section 217.010, Line 32, by inserting after all of said section and line the following:

"304.152. 1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or road block pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints.

2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010.

3. The provisions of this section shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri."; and

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

Representative Roorda raised points of order that **House Amendment No. 3** is in violation of Rule 84 and goes beyond the scope of the bill.

Representative Barnes requested a parliamentary ruling.

The Parliamentary Committee ruled the points of order not well taken.

On motion of Representative Cornejo, **House Amendment No. 3** was adopted.

Representative Mayfield offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 371, Page 33, Section 443.723, Line 37, by inserting after all of said section and line the following:

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

(1) **"Coerce" means to force a person to act in a given manner or to compel by pressure or threat;**

(2) **"Custody" means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;**

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

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

[(4)] (5) **"Third-party custody" means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.**

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

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

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

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

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

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

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

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

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

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

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

(b) A violation of section 568.020;

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

(d) A violation of section 568.065;

(e) A violation of section 568.080;

(f) A violation of section 568.090; or

(g) A violation of section 568.175.

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

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

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

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

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

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

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

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

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

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

custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

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

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

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

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

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

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

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

14. If the court finds that a parent of a child, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion, the court may deny custody to the parent."; and

Further amend said bill, Page 34, Section 452.400, Line 26, by inserting after all of said line the following:

"(c) The court may exercise its discretion in granting visitation to a parent not granted custody if such parent, while the child was unborn, attempted to coerce the mother of the child to obtain an abortion."; and

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

Representative Kelly (45) offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 371, Page 4, Line 6, by inserting after all of said line the following:

"453.015. As used in sections 453.010 to 453.400, the following terms mean:

(1) **"Coerce" means to force a person to act in a given manner or to compel by pressure or threat;**

(2) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the division of family services who has not attained the age of twenty-one;

[(2)] (3) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

[(3)] (4) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087; and

[(4)] (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated."; and

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

On motion of Representative Kelly (45), **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Mayfield, **House Amendment No. 4, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 371, as amended**, was adopted.

On motion of Representative Cox, **HCS HB 371, as amended**, was ordered perfected and printed.

HB 427, relating to mechanics' liens, was taken up by Representative Schatz.

Representative Schatz offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Bill No. 427, Page 2, Section 429.010, Line 36, by deleting the word **"thirty"** and inserting in lieu thereof the word **"fifteen"**; and

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

On motion of Representative Schatz, **House Amendment No. 1** was adopted.

On motion of Representative Schatz, **HB 427, as amended**, was ordered perfected and printed.

HCS HB 430, relating to workers' compensation insurance, was taken up by Representative Schatz.

On motion of Representative Schatz, **HCS HB 430** was adopted.

On motion of Representative Schatz, **HCS HB 430** was ordered perfected and printed.

HCS HB 513, relating to the protection of parental rights, was taken up by Representative Bahr.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Anderson	Austin	Bahr	Barnes	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Fowler	Fraker	Funderburk	Gannon	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Houghton	Hurst	Johnson	Jones 50	Justus
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Marshall	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Rehder	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 049

Anders	Black	Butler	Carpenter	Colona
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Swearingen	Walton Gray	Webb	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 018

Allen	Burns	Crawford	Flanigan	Franklin
Frederick	Gatschenberger	Hough	Keeney	Lynch
Molendorp	Reiboldt	Scharnhorst	Schupp	Smith 85
Smith 120	Stream	Webber		

On motion of Representative Bahr, **HCS HB 513** was adopted.

On motion of Representative Bahr, **HCS HB 513** was ordered perfected and printed.

HB 336, relating to first responder political activity, was taken up by Representative Hinson.

On motion of Representative Hinson, **HB 336** was ordered perfected and printed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 210 - Fiscal Review

HCS HB 771 - Fiscal Review

COMMITTEE REPORTS

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 33**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 87**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Crime Prevention and Public Safety, Chairman Hinson reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SB 327**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Downsizing State Government, Chairman Curtman reporting:

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SB 18**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SB 265**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Downsizing State Government, to which was referred **SS SB 267**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on General Laws, Chairman Jones (50) reporting:

Mr. Speaker: Your Committee on General Laws, to which was referred **SB 24**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on General Laws, to which was referred **SS SCS SB 159**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Higher Education, Chairman Thomson reporting:

Mr. Speaker: Your Committee on Higher Education, to which was referred **SB 67**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Higher Education, to which was referred **SCS SB 381**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SB 282**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Riddle reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 HJR 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HJR 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 17**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 18**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 19**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 83**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 462**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 604**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 1041**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 43**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 45**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 47**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 138**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 229**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 241**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SB 302**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 43 - Fiscal Review

HCS SCS SB 45 - Fiscal Review

SCS SB 47 - Fiscal Review

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 HB 34**, entitled:

An act to repeal sections 290.210, 290.260, and 290.262, RSMo, and to enact in lieu thereof three new sections relating to prevailing wage.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 133**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 159**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 212**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 233**, entitled:

An act to repeal sections 104.010, 104.040, 104.090, 104.140, 104.200, 104.272, 104.312, 104.352, 104.354, 104.380, 104.395, 104.420, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1015, 104.1021, 104.1030, 104.1039, 104.1051, 104.1054, 104.1060, 105.684, and 476.515, RSMo, and to enact in lieu thereof twenty-six new sections relating to the administration of state employee benefits.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 235**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 498**, entitled:

An act to repeal section 351.210, RSMo, and to enact in lieu thereof one new section relating to the distribution of paid-in surplus.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS#2 HB 698**, entitled:

An act to repeal sections 135.305, 135.350, 135.352, 135.484, 143.119, 253.550, 253.557, 253.559, and 447.708, RSMo, and section 135.630 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 20, 15 & 19, ninety-seventh general assembly, first regular session, and to enact in lieu thereof twenty new sections relating to tax incentives, with an emergency clause for certain sections.

With Senate Amendment No. 1 to Senate Amendment No. 1 and Senate Amendment No. 1, as amended.

Senate Amendment No. 1
to
Senate Amendment No. 1

AMEND Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, Page 1, Line 2, by striking the number "seventy" and inserting in lieu thereof the following:

"sixty".

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute No. 2 for House Bill No. 698, Page 23, Section 253.550, Line 55, by striking "forty-five" and inserting in lieu thereof "**seventy**"; and

Further amend said bill and section, Page 24, Line 90, by striking "five" and inserting in lieu thereof "**ten**".

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Wednesday, May 1, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Budget overview pertaining to hospitals and Medicaid

CORRECTED

CHILDREN, FAMILIES, AND PERSONS WITH DISABILITIES

Wednesday, May 1, 2013, 12:30 PM, North Gallery.

Public hearing will be held: SB 205

Executive session will be held: SB 205

Executive session may be held on any matter referred to the committee.

CORRECTED

CONFERENCE COMMITTEE

Thursday, May 2, 2013, 7:30 AM, House Hearing Room 4.
SS HCS HJR 11 & 7

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 7.
Public hearing will be held: SCS SB 256
Executive session will be held: SCS SB 256
Executive session may be held on any matter referred to the committee.

DOWNSIZING STATE GOVERNMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 4.
Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 1, 2013, 8:00 AM, House Hearing Room 6.
Public hearing will be held: HB 743, HB 942, HB 603
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Wednesday, May 1, 2013, 8:30 AM, South Gallery.
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, May 2, 2013, 8:30 AM, South Gallery.
Executive session may be held on any matter referred to the committee.

GENERAL LAWS

Wednesday, May 1, 2013, 12:45 PM, House Hearing Room 3.
Public hearing will be held: SB 75, HB 509
Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, May 1, 2013, 12:00 PM or Upon Afternoon Recess, House Hearing Room 7.
Public hearing will be held: HB 359, HB 549, HB 856
Executive session may be held on any matter referred to the committee.

INSURANCE POLICY

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 6.
Public hearing will be held: SCS SBs 317 & 319
Executive session will be held: SCS SBs 317 & 319
Executive session may be held on any matter referred to the committee.

ISSUE DEVELOPMENT STANDING COMMITTEE ON MISSOURI PORTS

Wednesday, May 1, 2013, 7:00 PM, House Hearing Room 1.

This will be an informational meeting.

JOINT COMMITTEE ON EDUCATION

Tuesday, May 7, 2013, 8:30 AM, Senate Lounge.

Executive session may be held on any matter referred to the committee.

Election of chair and vice-chair; Discussion of interim projects; Information on charter sponsor reports to the committee per SB 576 (2012); and an update on SB 437.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH - REVISIONS SUBCOMMITTEE

Thursday, May 2, 2013, 8:00 AM, Room 117A, State Capitol Building

On-line and print versions of the Revised Statutes

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.

Second quarter meeting

JUDICIARY

Wednesday, May 1, 2013, 12:00 PM or Upon Morning Recess (whichever is earlier), House Hearing Room 1.

Public hearing will be held: SCS SB 118, SS SB 245

Executive session will be held: HB 851

Executive session may be held on any matter referred to the committee.

JUDICIARY

Monday, May 6, 2013, 6:30 PM, 516 S. Country Club Drive, Jefferson City.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, May 1, 2013, Upon Morning Recess, House Hearing Room 5.

Public hearing will be held: HB 796

Executive session will be held: SCS SB 101

Executive session may be held on any matter referred to the committee.

RULES

Wednesday, May 1, 2013, 1:00 PM, House Hearing Room 7.

Executive session will be held: HCS#2 HB 927, HCS HB 930, HCS SB 12, SB 35, HCS SB 41, HCS SCS SB 45, HCS SB 110, SS SCS SB 129, SCS SB 178, SCS SB 248, SB 257, SB 327

Executive session may be held on any matter referred to the committee.

CORRECTED

SPECIAL STANDING COMMITTEE ON CORRECTIONS

Wednesday, May 1, 2013, 8:00 AM, House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Director George Lombardi and Ian Dunlap will be present to answer questions from committee members and may offer suggestions on how the Committee may be of service to the Department of Corrections.

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE

Wednesday, May 1, 2013, Upon Morning Recess, South Gallery.

Executive session will be held: HB 925

Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON SMALL BUSINESS

Wednesday, May 1, 2013, 12:00 PM or Upon Morning Recess, House Hearing Room 7.

Executive session will be held: HB 1033

Executive session may be held on any matter referred to the committee.

UTILITIES

Wednesday, May 1, 2013, 9:00 AM, House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

VETERANS

Thursday, May 2, 2013, 8:00 AM, North Gallery.

Public hearing will be held: SCR 13

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

SIXTY-FIRST DAY, WEDNESDAY, MAY 1, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 19 - Bahr
- 2 HCS HJR 15 - Brattin
- 3 HCS HJR 35 - Jones (50)
- 4 HCS#2 HJR 14 - Kelly (45)
- 5 HJR 17 - Burlison

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- 1 HCS HB 17 - Stream
- 2 HB 18 - Stream
- 3 HCS HB 19 - Stream

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington

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- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HCS HB 234 - Gatschenberger
- 12 HB 616 - Bahr
- 13 HB 185 - Kirkton
- 14 HCS HB 641 - Korman
- 15 HCS HB 402 - Shumake
- 16 HCS HB 717 - Grisamore
- 17 HCS HB 727 - Grisamore
- 18 HCS HB 83 - Reiboldt
- 19 HCS HB 132 - Stream
- 20 HCS HB 1041 - Swan

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HCS HB 470 - Barnes
- 4 HCS#2 HB 178 - Koenig

HOUSE BILLS FOR THIRD READING - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 611 - Lant
- 3 HCS HB 771, (Fiscal Review 4/30/13) - Schatz

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick
- 4 HCR 34 - Houghton

SENATE JOINT RESOLUTIONS FOR THIRD READING

HCS SS#2 SCS SJR 16 - Hinson

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Romine
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen

- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

SENATE BILLS FOR THIRD READING

- 1 SCS SB 106 - Davis
- 2 HCS SCS SB 117 - Davis
- 3 HCS SCS SB 157 and SB 102 - Phillips
- 4 HCS SCS SB 186 - Davis
- 5 SB 197 - Frederick
- 6 SB 230 - Brattin
- 7 HCS SS SCS SB 125 - Barnes
- 8 SS SB 28 - Cierpiot
- 9 SCS SB 254 - Crawford
- 10 HCS SCS SB 17 - Thomson
- 11 HCS SS SB 34 - Fraker
- 12 HCS SS SCS SB 116 - Davis
- 13 HCS SS#2 SCS SB 1, E.C. - Richardson
- 14 SCS SB 36 - Hicks
- 15 HCS SCS SB 88 - Frederick
- 16 HCS SB 90 - Dugger
- 17 HCS SCS SB 126 - Morris
- 18 HCS SCS SB 9 - Guernsey
- 19 SB 77 - Allen
- 20 HCS SB 222 - Kelly (45)
- 21 SCS SB 224 - Rizzo
- 22 HCS SS SB 262 - Molendorp
- 23 HCS SB 330 - Burlison
- 24 HCS SB 51 - Guernsey
- 25 HCS SB 23, E.C. - Jones (50)
- 26 HCS SB 148 - Schatz
- 27 HCS SB 43, (Fiscal Review 4/30/13) - Kolkmeier
- 28 HCS SCS SB 45, (Fiscal Review 4/30/13) - Hough
- 29 SCS SB 47, (Fiscal Review 4/30/13) - Grisamore
- 30 SB 216 - Hinson
- 31 HCS SS SCS SB 241 - Cierpiot
- 32 SCS SB 302 - Elmer

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 68, SA 1 - Kelley (127)
- 2 SCS HCS HBs 303 & 304, as amended - Scharnhorst
- 3 SS#2 HB 34 - Guernsey
- 4 SCS HB 498 - Jones (50)
- 5 SCS HCS HB 233 - Leara

BILLS IN CONFERENCE

- 1 SS HCS HJR 11 & 7, as amended - Reiboldt
- 2 SCS HCS HB 1 - Stream
- 3 SCS HCS HB 2 - Stream
- 4 SCS HCS HB 3 - Stream
- 5 SCS HCS HB 4 - Stream
- 6 SCS HCS HB 5 - Stream
- 7 SCS HCS HB 6, as amended - Stream
- 8 SCS HCS HB 7, as amended - Stream
- 9 SCS HCS HB 8 - Stream
- 10 SCS HCS HB 9 - Stream
- 11 SCS HCS HB 10 - Stream
- 12 SCS HCS HB 11, as amended - Stream
- 13 SCS HCS HB 12 - Stream
- 14 SCS HCS HB 13 - Stream

SENATE CONCURRENT RESOLUTIONS

- SCS SCR 5 - Frederick