

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

SEVENTY-FIRST DAY, THURSDAY, MAY 10, 2001

Speaker Kreider in the Chair.

Prayer by Reverend Rudy Beard.

God of our Fathers and Mothers, as we unite in this prayer for Your blessings upon the members of this body and their staff, we confess that we are too anxious to have the approval of others. Do not let us forget that it is Your approval that brings peace and a clear conscience.

Keep us aware of Your writing. Strengthen these men and women as they serve You and the people of Missouri this day. To You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Caitlin Jewett, Lindsey Kingsolver, Joshua Hosmer-Quint, John Taylor Hosmer-Quint and Dylan Hosmer-Quint.

The Journal of the seventieth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1977	-	Representative Barry
House Resolution No. 1978	-	Representative Miller
House Resolution No. 1979	-	Representatives Holt and Dempsey
House Resolution No. 1980		
and		
House Resolution No. 1981	-	Representative Wright
House Resolution No. 1982	-	Representative Harlan
House Resolution No. 1983	-	Representative Berkowitz
House Resolution No. 1984	-	Representative Graham
House Resolution No. 1985		
through		
House Resolution No. 1988	-	Representative Reinhart
House Resolution No. 1989	-	Representative Kennedy
House Resolution No. 1990	-	Representative Reinhart
House Resolution No. 1991	-	Representative Riback Wilson (25)
House Resolution No. 1992	-	Representative Gratz

House Resolution No. 1993	-	Representative McKenna
House Resolution No. 1994	-	Representative Kennedy
House Resolution No. 1995	-	Representative Schwab
House Resolution No. 1996	-	Representative Vogel
House Resolution No. 1997	-	Representative Townley
House Resolution No. 1998	-	Representative Moore
House Resolution No. 1999	-	Representative Harding
House Resolution No. 2000		
through		
House Resolution No. 2013	-	Representative Skaggs
House Resolution No. 2014		
and		
House Resolution No. 2015	-	Representative Rector
House Resolution No. 2016	-	Representatives Rector and Lograsso
House Resolution No. 2017	-	Representatives Rector and Bartle
House Resolution No. 2018	-	Representatives Rector and Monaco
House Resolution No. 2019	-	Representative Gratz
House Resolution No. 2020	-	Representative Graham
House Resolution No. 2021	-	Representative Britt
House Resolution No. 2022	-	Representatives Boucher and Harding
House Resolution No. 2023	-	Representative Skaggs

COMMITTEE REPORTS

Committee on Rules, Joint Rules, and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **SCS HB 801**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS SCS SB 486 & SB 422 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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 adopted the Conference Committee Report on **SCS HCS HB 6, as amended**, and has taken up and passed **CCS SCS HCS HB 6**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 7**, and has

taken up and passed **CCS SCS HCS HB 7**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 8**, and has taken up and passed **CCS SCS HCS HB 8**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 9**, and has taken up and passed **CCS SCS HCS HB 9**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 10**, as **amended**, and has taken up and passed **CCS SCS HCS HB 10**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 11**, as **amended**, and has taken up and passed **CCS SCS HCS HB 11**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 31**.

SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, the citizens of Missouri believe in the principles of free markets, limited government, federalism and individual liberty are essential to providing the greatest amount of economic and political freedom for our citizens; and

WHEREAS, careful stewardship of our nation's precious natural resources is essential if future generations are to enjoy and prosper from them; and

WHEREAS, voluntary industry leadership in the private sector is the best method of productive and economically viable environmental stewardship of our land, forests, water and wild life; and

WHEREAS, the General Assembly believes that voluntary forest product management and leadership by the private sector in sustaining forest resources is preferable to government imposed resource management mandates; and

WHEREAS, Americans have taken pride in their nations' rich bounty of natural resources, and careful stewardship of these precious assets is essential if future generations are to enjoy and benefit from them; and

WHEREAS, the forest products industry, an essential component of the nation's economy sustaining businesses, families, and rural communities since its founding, is comprised of more than 34,000 employees and 400,000 forest landowners; and

WHEREAS, close to one-third of the nation's land is forested, with 14 million acres in Missouri alone, the vital importance of the industry underscores the necessity for intelligent management of the over 736 million acres of America's forest land; and

WHEREAS, the forest products industry relies on forest resources to make this state one of the leading producers of wood flooring, staves, furniture, cabinetry, lumber, pallets, charcoal, and other wood products, and to meet society's increasing demand for wood and wood-related products important to our nation's quality of life; and

WHEREAS, America's forest products companies have made considerable capital improvements in recycling, and the industry nationally has voluntarily set a goal to recover 50% of the paper it produces; and

WHEREAS, Missouri's forest products industry, in recognition of its stewardship responsibilities in nurturing the forest resources, has pledged itself to the continuing principles of sustainable forestry by initiating the "Sustainable Forestry Initiative Program", a comprehensive program committed to responsible environmental stewardship of the forests, water resources and wild life; and

WHEREAS, the goal of the Sustainable Forestry Initiative Program is to educate the public as to the importance of industry leadership in voluntarily protecting these valuable resources, and to promote and monitor the progress made toward this worthy goal; and

WHEREAS, the Missouri Forest Products Association's members are actively demonstrating a commitment to the principles of sustainable forestry and are benchmarking this commitment by implementing Sustainable Forestry Initiative Program principles and practices, such as prompt reforestation and protection of water quality and wildlife habitat:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, recognize the Missouri Forest Products Association's member companies, forest landowners and loggers and the state's forest products industry for its commitment to the responsible use of natural resources, and commend the creation and implementation of the Sustainable Forestry Initiative Program as a means to this end; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare copies of this resolution for the Missouri Forest Products Association.

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 adopted the Conference Committee Report on **HCS SCS SB 151**, and has taken up and passed **CCS HCS SCS SB 151**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 304**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HBs 205, 323 & 549**, entitled:

An act to repeal sections 135.305, 252.040, 252.043, 254.020, 254.040 and 270.170, RSMo 2000, relating to conservation, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

ADOPTION AND THIRD READING OF HOUSE CONCURRENT RESOLUTION

HCR 33, relating to a waiver for rural development, was taken up by Representative Lawson.

On motion of Representative Lawson, **HCR 33** was read the third time and passed by the

following vote:

AYES: 152

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Boucher	Franklin	Hohulin	Long
Naeger	Wagner	Wiggins		

VACANCIES: 003

Speaker Kreider declared the bill passed.

BILL IN CONFERENCE

CCR SCS HB 491, relating to third class cities, was taken up by Representative George.

On motion of Representative George, **CCR SCS HB 491** was adopted by the following vote:

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AYES: 152

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Griesheimer	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Franklin	Green 73	Hagan-Harrell	Lograsso
Long	Wagner	Wiggins		

VACANCIES: 003

On motion of Representative George, **CCS SCS HB 491** was read the third time and passed by the following vote:

AYES: 151

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner

Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reinhart	Relford	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 002

Reid Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 007

Baker	Franklin	Levin	Long	Moore
Wagner	Wiggins			

VACANCIES: 003

Speaker Kreider declared the bill passed.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HB 904, relating to agroforestry, was taken up by Representative Merideth.

On motion of Representative Merideth, **SCS HB 904** was adopted by the following vote:

AYES: 154

Abel	Ballard	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher

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Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naege	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Walton	Ward	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITHLEAVE: 006

Baker	Barnett	Franklin	Long	Wagner
Wiggins				

VACANCIES: 003

On motion of Representative Merideth, **SCS HB 904** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan

Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Koller	Lawson
Legan	Levin	Liese	Linton	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Franklin	Kennedy	Lograsso	Long
Relford	Wagner	Wiggins		

VACANCIES: 003

Speaker Kreider declared the bill passed.

SCS HB 473, relating to noxious weeds, was taken up by Representative Robirds.

On motion of Representative Robirds, **SCS HB 473** was adopted by the following vote:

AYES: 152

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson

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Legan	Levin	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Walton	Ward	Williams	Willoughby	Wilson 25
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITHLEAVE: 008

Baker	Boucher	Franklin	Long	Reynolds
Wagner	Wiggins	Wilson 42		

VACANCIES: 003

On motion of Representative Robirds, **SCS HB 473** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby

Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Carnahan	Crowell	Franklin	Lograsso
Long	Wagner	Wiggins		

VACANCIES: 003

Speaker Kreider declared the bill passed.

SCS HB 361, relating to the conveyance of water rights, was taken up by Representative Shoemyer.

On motion of Representative Shoemyer, **SCS HB 361** was adopted by the following vote:

AYES: 147

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 27	Kelly 36
King	Koller	Lawson	Legan	Levin
Liese	Linton	Lowe	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Thompson
Townley	Treadway	Troupe	Villa	Vogel
Walton	Ward	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

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NOES: 000

PRESENT: 000

ABSENT WITHLEAVE: 013

Baker	Crowell	Franklin	Kelly 144	Kennedy
Lograsso	Long	Luetkemeyer	Surface	Van Zandt
Wagner	Wiggins	Williams		

VACANCIES: 003

On motion of Representative Shoemyer, **SCS HB 361** was truly agreed to and finally passed by the following vote:

AYES: 152

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Fraser	Froelker	Gambara	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Harlan
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Koller	Lawson
Legan	Levin	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Franklin	Kennedy	Long	Mays 50
Richardson	Wagner	Wiggins		

VACANCIES: 003

Speaker Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Behnen	Berkowitz	Berkstresser	Black
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot	Clayton
Coleman	Copenhaver	Crawford	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hickey	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Linton	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Walton	Ward	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 015

Barnitz	Bearden	Boatright	Burcham	Cooper
Crowell	Froelker	Hendrickson	Hohulin	Hunter
Kelly 144	May 149	Portwood	Roark	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Baker	Franklin	Lograsso	Long	Smith
Wagner	Wiggins			

VACANCIES: 003

SCS HB 202, relating to transportation districts, was taken up by Representative Rizzo.

On motion of Representative Rizzo, **SCS HB 202** was adopted by the following vote:

AYES: 147

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Jetton	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Levin	Liese	Linton
Lograsso	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Walton	Ward	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 002

Murphy Purgason

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Franklin	Green 15	Hilgemann	Hohulin
Hunter	Kelly 144	Long	Wagner	Wiggins
Williams				

VACANCIES: 003

On motion of Representative Rizzo, **SCS HB 202** was truly agreed to and finally passed by the following vote:

AYES: 132

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Carnahan	Champion	Clayton
Coleman	Copenhaver	Crawford	Crump	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Gambaro
Gaskill	George	Graham	Gratz	Green 73
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Myers
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Ransdall	Rector	Reinhart	Relford
Reynolds	Richardson	Rizzo	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 019

Boatright	Burcham	Byrd	Cierpiot	Cooper
Crowell	Cunningham	Froelker	Hendrickson	Jetton
Linton	Lograsso	Murphy	Portwood	Purgason
Reid	Ridgeway	Roark	St. Onge	

PRESENT: 001

Hickey

ABSENT WITHLEAVE: 008

Baker	Franklin	Green 15	Hohulin	Long
Naeger	Wagner	Wiggins		

VACANCIES: 003

Speaker Kreider declared the bill passed.

The emergency clause was adopted by the following vote:

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AYES: 115

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Behnen	Berkowitz
Berkstresser	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Copenhaver	Crawford	Crump
Curls	Davis	Dolan	Fares	Farnen
Foley	Ford	Fraser	Gambara	Gaskill
George	Graham	Gratz	Green 73	Griesheimer
Hagan-Harrell	Hampton	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hickey	Hilgemann
Hollingsworth	Holt	Hoppe	Hosmer	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 27	Kelly 36
Kennedy	Koller	Lawson	Liese	Lowe
Luetkenhaus	Marble	Marsh	Mays 50	McKenna
Merideth	Miller	Monaco	Naeger	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Ransdall
Rector	Reinhart	Relford	Reynolds	Rizzo
Robirds	Ross	Scheve	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

NOES: 038

Bearden	Black	Burcham	Byrd	Cooper
Crowell	Cunningham	Dempsey	Enz	Froelker
Hanaway	Hendrickson	Holand	Hunter	Jetton
Kelly 144	King	Legan	Levin	Linton
Lograsso	Luetkemeyer	May 149	Mayer	Moore
Murphy	Myers	Nordwald	Portwood	Reid
Richardson	Ridgeway	Roark	Schwab	Scott
Secrest	St. Onge	Wright		

PRESENT: 001

Purgason

ABSENT WITHLEAVE: 006

Franklin	Green 15	Hohulin	Long	Wagner
Wiggins				

VACANCIES: 003

SCS HB 242, as amended, relating to tourism taxes, was taken up by Representative Smith.

On motion of Representative Smith, **SCS HB 242, as amended**, was adopted by the following vote:

AYES: 130

Abel	Ballard	Barnett	Barnitz	Barry 100
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Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burton	Campbell	Carnahan	Champion
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crump	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Fraser	Froelker	Gambara	Gaskill	George
Gratz	Green 73	Griesheimer	Hagan-Harrell	Hampton
Harding	Harlan	Hartzler	Haywood	Hegeman
Henderson	Hickey	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 27	Kelly 36
Kennedy	King	Koller	Legan	Levin
Liese	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	Ostmann
Overschmidt	Phillips	Purgason	Ransdall	Reinhart
Reynolds	Richardson	Rizzo	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Walton	Ward
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 013

Burcham	Cierpiot	Crowell	Cunningham	Hanaway
Hendrickson	Hunter	Portwood	Rector	Reid
Ridgeway	Roark	St. Onge		

PRESENT: 000

ABSENT WITH LEAVE: 017

Baker	Byrd	Franklin	Graham	Green 15
Hohulin	Kelly 144	Lawson	Linton	Lograsso
Long	O'Toole	Relford	Shoemyer	Wagner
Wiggins	Williams			

VACANCIES: 003

On motion of Representative Smith, **SCS HB 242, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 137

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Carnahan	Champion	Clayton
Coleman	Cooper	Copenhaver	Crawford	Crump
Curls	Davis	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Gambara
Gaskill	George	Graham	Gratz	Green 15

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Green 73	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Reid	Reinhart	Relford
Reynolds	Richardson	Rizzo	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 014

Burcham	Cierpiot	Crowell	Cunningham	Dempsey
Hanaway	Hendrickson	Hohulin	Linton	Lograsso
Rector	Ridgeway	Roark	St. Onge	

PRESENT: 000

ABSENT WITH LEAVE: 009

Baker	Ballard	Byrd	Franklin	Froelker
Hunter	Long	Wagner	Wiggins	

VACANCIES: 003

Speaker Kreider declared the bill passed.

MOTION

Representative Green (73) moved that the conferees on **SCS HCS HB 14** be allowed to exceed the differences.

Which motion was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees on **SCS HCS HB 14** are allowed to exceed the differences.

BILLS IN CONFERENCE

Speaker Pro Tem Abel assumed the Chair.

CCR SCS HCS HB 13, relating to appropriations, was taken up by Representative Green (73).

On motion of Representative Green (73), **CCR SCS HCS HB 13** was adopted by the following vote:

AYES: 142

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Campbell	Carnahan
Champion	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Fraser	Froelker	Gambara
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Linton	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Walton	Ward	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 008

Byrd	Cunningham	Hanaway	Henderson	Hohulin
Hunter	Kelly 144	Roark		

PRESENT: 000

ABSENT WITHLEAVE: 010

Baker	Cierpiot	Franklin	Lograsso	Long
Lowe	Seigfreid	Wagner	Wiggins	Williams

VACANCIES: 003

On motion of Representative Green (73), **CCS SCS HCS HB 13** was read the third time and passed by the following vote:

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AYES: 145

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Brooks
Burcham	Burton	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Fraser	Froelker	Gambara
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Levin	Liese	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Ross	Scheve
Schwab	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Walton	Ward
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 004

Cunningham	Hanaway	Hunter	Roark
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PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Britt	Byrd	Franklin	Linton
Long	Robirds	Scott	Wagner	Wiggins
Williams				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

CCR SCS HB 16, relating to appropriations, was taken up by Representative Green (73).

On motion of Representative Green (73), **CCR SCS HB 16** was adopted by the following vote:

AYES: 145

Abel	Baker	Ballard	Barnett	Barnitz
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Barry 100	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Harding	Hartlan	Hartzler	Haywood	Hegeman
Hendrickson	Hickey	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	Ostmann	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Van Zandt	Villa	Vogel	Walton	Ward
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 007

Bartelsmeyer	Cunningham	Hanaway	Henderson	Hohulin
Hunter	Roark			

PRESENT: 000

ABSENT WITH LEAVE: 008

Byrd	Franklin	Kelly 27	Long	O'Toole
Wagner	Wiggins	Williams		

VACANCIES: 003

On motion of Representative Green (73), **CCS SCS HB 16** was read the third time and passed by the following vote:

AYES: 146

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burcham	Burton	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Froelker

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Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Harding	Harlan	Hartzler	Haywood	Hegeman
Hendrickson	Hickey	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Jetton	Johnson 61
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Linton	Lograsso
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Treadway
Troupe	Van Zandt	Villa	Vogel	Walton
Ward	Willoughby	Wilson 25	Wilson 42	Wright

Mr. Speaker

NOES: 007

Byrd	Cunningham	Hanaway	Henderson	Hohulin
Hunter	Roark			

PRESENT: 000

ABSENT WITH LEAVE: 007

Baker	Franklin	Long	Townley	Wagner
Wiggins	Williams			

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HOUSE BILL WITH SENATE AMENDMENTS

SCS HB 17, as amended, relating to appropriations, was taken up by Representative Green (73).

On motion of Representative Green (73), **SCS HB 17, as amended**, was adopted by the following vote:

AYES: 126

Abel	Barnett	Barry 100	Bearden	Berkowitz
Berkstresser	Black	Bland	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Copenhaver	Crawford	Crump
Curls	Davis	Dempsey	Dolan	Fares
Farnen	Foley	Fraser	Gambaro	Gaskill

George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Harding	Hartzler
Haywood	Hegeman	Hickey	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Myers	Naeger	Nordwald
O'Connor	Ostmann	Overschmidt	Phillips	Portwood
Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Villa	Vogel	Walton
Ward	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				
NOES: 023				

Ballard	Barnitz	Bartelsmeyer	Bartle	Behnen
Boatright	Burcham	Byrd	Cooper	Crowell
Cunningham	Enz	Froelker	Hanaway	Henderson
Hendrickson	Hohulin	Kelly 144	Linton	Murphy
Purgason	Roark	Scott		

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Ford	Franklin	Harlan	Hunter
Lograsso	O'Toole	Van Zandt	Wagner	Wiggins
Williams				

VACANCIES: 003

On motion of Representative Green (73), **SCS HB 17, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 126

Abel	Ballard	Barnett	Barry 100	Bearden
Berkowitz	Berkstresser	Black	Bland	Bonner
Boucher	Bowman	Boykins	Britt	Brooks
Burcham	Burton	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Copenhaver	Crawford
Crump	Curls	Davis	Dempsey	Dolan
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Harding	Hartzler	Haywood	Hickey	Hilgemann
Holand	Holt	Hoppe	Hosmer	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Long	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer

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Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald	O'Connor
Ostmann	Overschmidt	Phillips	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Villa	Vogel	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 021

Barnitz	Bartelsmeyer	Bartle	Behnen	Boatright
Byrd	Cooper	Crowell	Cunningham	Enz
Hanaway	Henderson	Hendrickson	Hohulin	Hunter
Kelly 144	Linton	Murphy	Portwood	Purgason
Roark				

PRESENT: 000

ABSENT WITHLEAVE: 013

Baker	Bray 84	Franklin	Gratz	Harlan
Hegeman	Hollingsworth	Lograsso	Lowe	O'Toole
Van Zandt	Wagner	Wiggins		

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

BILLS IN CONFERENCE

CCR SCS HCS HB 18, as amended, relating to appropriations, was taken up by Representative Green (73).

On motion of Representative Green (73), **CCR SCS HCS HB 18, as amended**, was adopted by the following vote:

AYES: 141

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Britt	Brooks
Burcham	Burton	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Fraser	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Harding	Hartzler
Haywood	Hegeman	Hendrickson	Hickey	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer

Jetton	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Linton	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Villa	Vogel	Walton
Ward	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 010

Byrd	Cunningham	Froelker	Hanaway	Henderson
Hohulin	Hunter	Murphy	Purgason	Roark

PRESENT: 000

ABSENT WITH LEAVE: 009

Baker	Bray 84	Franklin	Harlan	Lograsso
Van Zandt	Wagner	Wiggins	Williams	

VACANCIES: 003

On motion of Representative Green (73), **CCS SCS HCS HB 18** was read the third time and passed by the following vote:

AYES: 140

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Britt	Brooks
Burcham	Burton	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Harding
Hartzler	Haywood	Hegeman	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	King
Koller	Lawson	Legan	Levin	Liese
Linton	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds

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Richardson	Ridgeway	Rizzo	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Villa	Vogel	Ward
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 009

Byrd	Cunningham	Hanaway	Henderson	Hohulin
Hunter	Murphy	Purgason	Roark	

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Bray 84	Franklin	Harlan	Kennedy
Lograsso	Van Zandt	Wagner	Walton	Wiggins
Williams				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

CCR SCS HCS HB 19, relating to appropriations, was taken up by Representative Green (73).

On motion of Representative Green (73), **CCR SCS HCS HB 19** was adopted by the following vote:

AYES: 139

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Bonner	Boucher
Bowman	Boykins	Britt	Brooks	Burcham
Burton	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Copenhaver	Crawford	Crowell
Crump	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Fraser	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Harding	Hartzler	Haywood	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Phillips
Portwood	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Villa

Vogel	Walton	Ward	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 011

Boatright	Byrd	Cooper	Cunningham	Froelker
Hanaway	Henderson	Hohulin	Murphy	Purgason
Roark				

PRESENT: 000

ABSENT WITH LEAVE: 010

Baker	Bray 84	Franklin	Harlan	Hegeman
Hunter	Overschmidt	Van Zandt	Wagner	Wiggins

VACANCIES: 003

On motion of Representative Green (73), **CCS SCS HCS HB 19** was read the third time and passed by the following vote:

AYES: 134

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Bonner	Boucher	Bowman
Boykins	Britt	Brooks	Burcham	Burton
Campbell	Carnahan	Champion	Cierpiot	Clayton
Coleman	Copenhaver	Crawford	Crump	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Harding	Hartzler	Haywood	Hendrickson	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Jetton	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Koller
Lawson	Legan	Levin	Liese	Linton
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Rizzo	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Troupe
Villa	Vogel	Walton	Ward	Williams
Willoughby	Wilson 25	Wright	Mr. Speaker	

NOES: 011

Barnitz	Boatright	Cooper	Cunningham	Hanaway
Henderson	Hohulin	Hunter	Murphy	Purgason
Roark				

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PRESENT: 000

ABSENT WITHLEAVE: 015

Baker	Bray 84	Byrd	Crowell	Franklin
Harlan	Hegeman	Hickey	Kennedy	Lograsso
Ridgeway	Van Zandt	Wagner	Wiggins	Wilson 42

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HS HJR 11, with Senate Amendment No. 1, relating to the City of St. Louis, was taken up by Representative Gambaro.

Representative Gambaro moved that the conference committee on **HS HJR 11, with Senate Amendment No. 1**, be dissolved and that the House concur in **Senate Amendment No. 1 to HS HJR 11**.

Which motion was adopted by the following vote:

AYES: 093

Abel	Baker	Barnett	Barnitz	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bray 84	Burcham	Burton	Byrd
Carnahan	Champion	Cierpiot	Cooper	Crawford
Crowell	Cunningham	Dempsey	Dolan	Fares
Farnen	Foley	Gambaro	Gaskill	Griesheimer
Hampton	Hanaway	Hartzler	Haywood	Hegeman
Henderson	Hickey	Hohulin	Holand	Hollingsworth
Holt	Hunter	Jetton	Kelley 47	Kelly 144
Kennedy	King	Koller	Legan	Levin
Liese	Lograsso	Long	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	McKenna
Merideth	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Rector	Reid
Reinhart	Richardson	Ridgeway	Roark	Robirds
Ross	Scheve	Schwab	Secrest	Shields
St. Onge	Surface	Townley	Treadway	Van Zandt
Vogel	Ward	Wright		

NOES: 050

Barry 100	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Britt	Brooks	Campbell
Clayton	Coleman	Curls	Davis	Enz
Ford	Fraser	George	Green 15	Hagan-Harrell
Harding	Hendrickson	Hilgemann	Hoppe	Hosmer
Johnson 61	Jolly	Kelly 27	Lowe	Mays 50
Miller	Monaco	Ransdall	Relford	Reynolds
Rizzo	Seigfreid	Selby	Shelton	Shoemyer
Skaggs	Smith	Thompson	Troupe	Villa
Walton	Williams	Willoughby	Wilson 25	Wilson 42

PRESENT: 005

Copenhaver	Crump	Johnson 90	Kelly 36	Lawson
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ABSENT WITH LEAVE: 012

Ballard	Franklin	Froelker	Graham	Gratz
Green 73	Harlan	Linton	Scott	Wagner
Wiggins	Mr. Speaker			

VACANCIES: 003

On motion of Representative Gambaro, **HS HJR 11, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 109

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Boatright	Bray 84	Burcham
Burton	Byrd	Carnahan	Champion	Cierpiot
Cooper	Crawford	Crowell	Cunningham	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Fraser	Froelker	Gambaro	Gaskill	George
Gratz	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Hollingsworth	Holt	Hunter	Jetton	Kelley 47
Kelly 144	Kelly 36	Kennedy	King	Legan
Levin	Liese	Long	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Rector	Reid	Reinhart	Relford	Richardson
Ridgeway	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Shields
Shoemyer	Skaggs	St. Onge	Surface	Townley
Van Zandt	Vogel	Ward	Wright	

NOES: 035

Bland	Bonner	Boucher	Bowman	Boykins
Britt	Brooks	Campbell	Clayton	Coleman
Curls	Davis	Ford	Green 15	Hoppe
Johnson 61	Jolly	Kelly 27	Koller	Lowe
Mays 50	Ransdall	Reynolds	Rizzo	Selby
Shelton	Smith	Thompson	Troupe	Villa
Walton	Williams	Willoughby	Wilson 25	Wilson 42

PRESENT: 006

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Copenhaver	Crump	Graham	Johnson 90	Lawson
Treadway				

ABSENT WITH LEAVE: 010

Ballard	Franklin	Harlan	Holand	Hosmer
Linton	Lograsso	Wagner	Wiggins	Mr. Speaker

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

ADOPTION AND THIRD READING OF SENATE CONCURRENT RESOLUTIONS

SCR 23, relating to steel imports, was taken up by Representative Bonner.

On motion of Representative Bonner, **SCR 23** was truly agreed to and finally passed by the following vote:

AYES: 148

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Harding	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Lograsso	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Ransdall
Rector	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Walton	Ward	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Ballard	Bray 84	Franklin	Hanaway	Harlan
Johnson 61	Linton	Long	Purgason	Reid
Wagner	Wiggins			

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

SCR 27, relating to state retiree health subsidy, was taken up by Representative Hagan-Harrell.

On motion of Representative Hagan-Harrell, **SCR 27** was truly agreed to and finally passed by the following vote:

AYES: 142

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Campbell	Carnahan	Champion
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curts	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Fraser	Froelker	Gambara
Gaskill	George	Graham	Gratz	Griesheimer
Hagan-Harrell	Hampton	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Lograsso	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Roberts	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 018

Ballard	Berkstresser	Byrd	Cierpiot	Franklin
Green 15	Green 73	Hanaway	Harlan	Holand
Johnson 61	Linton	Long	Purgason	Roark
Van Zandt	Wagner	Wiggins		

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

THIRD READING OF SENATE BILL

HS HCS SB 371, relating to public retirement systems, was taken up by Representative O'Toole.

Representative Richardson offered **House Perfecting Amendment No. 1**.

House Perfecting Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 371, Section 1, as adopted by House Amendment No. 5, by deleting both occurrences of the following: "**286.010**" and inserting in lieu thereof the following: "**286.070**".

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

On motion of Representative O'Toole, **HS HCS SB 371, as amended**, was read the third time and passed by the following vote:

AYES: 141

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Britt
Brooks	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hanaway
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hunter	Jetton	Johnson 90
Jolly	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Toole	Ostmann	Overschmidt	Portwood	Purgason

Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Villa
Vogel	Walton	Ward	Willoughby	Wright
Mr. Speaker				

NOES: 003

Phillips	Wilson 25	Wilson 42
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PRESENT: 000

ABSENT WITH LEAVE: 016

Bray 84	Cierpiot	Franklin	Green 73	Hampton
Harding	Harlan	Hosmer	Johnson 61	Long
Merideth	O'Connor	Van Zandt	Wagner	Wiggins
Williams				

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

Representative Villa assumed the Chair.

ADOPTION AND THIRD READING OF SENATE CONCURRENT RESOLUTIONS

SCR 3, relating to Lewis and Clark, was taken up by Representative Dempsey.

Representative Sanders Brooks offered **House Amendment No. 1**.

House Amendment No. 1

AMEND Senate Concurrent Resolution No. 3 by amending the clause that begins “NOW THEREFORE BE IT RESOLVED” by adding after the second occurrence of the phrase “Lewis and Clark Expedition” the following: “, **to include material on Sacajawea and York**,”.

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

On motion of Representative Dempsey, **SCR 3, as amended**, was read the third time and passed by the following vote:

AYES: 137

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Bowman
Boykins	Britt	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Crawford	Crowell
Crump	Curls	Davis	Dempsey	Dolan

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Fares	Farnen	Foley	Ford	Fraser
Froelker	Gambaro	Gaskill	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Holand
Holt	Hoppe	Jetton	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Linton	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Portwood
Purgason	Ransdall	Rector	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Rizzo
Roark	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Villa
Vogel	Walton	Ward	Williams	Willoughby
Wilson 42	Wright			

NOES: 004

Copenhaver	Hunter	Wilson 25	Mr. Speaker
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PRESENT: 001

Cunningham

ABSENT WITH LEAVE: 018

Baker	Bartelsmeyer	Boucher	Bray 84	Enz
Franklin	George	Harlan	Hohulin	Hollingsworth
Hosmer	Johnson 61	Lograsso	Nordwald	Robirds
Van Zandt	Wagner	Wiggins		

VACANCIES: 003

Representative Villa declared the bill passed.

Speaker Pro Tem Abel resumed the Chair.

SCR 18, relating to the joint interim committee on telecommunications and energy, was taken up by Representative Mays (50).

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

House Amendment No. 1

AMEND Senate Concurrent Resolution No. 18, Page 3, Line 12, by inserting immediately after the word "**relevant**;" the following:

“with such studies to specifically include an analysis of (i) the existing and projected demands in this state for electric power and energy over the next ten years, and the basis for determining the projected demand; (ii) the adequacy and reliability of available and planned electric generation to serve the needs of customers in this state; (iii) permitting retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues; (iv) the adequacy and availability of available and planned transmission facilities used to transfer electricity into and within the state; and (v) incentives that would encourage the ongoing investment needed to ensure adequate generation and transmission capacity within the state;” and

Further amend said resolution, Page 3, Line 14, by inserting immediately after the word “**report**” the following:

“**which must at a minimum include a detailed summary of the committee's analysis of the adequacy and reliability of available and planned electric generation and transmission capacity to serve the projected needs of customers in this state currently and over the next ten years and incentives for ongoing investment and allowing retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues;**” and

Further amend said resolution, Page 3, Line 17, by inserting immediately after the word “**Assembly**” the following: “**but in any event no later than December 1, 2001,**”.

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

On motion of Representative Mays (50), **SCR 18, as amended**, was read the third time and passed by the following vote:

AYES: 141

Abel	Barnett	Barnitz	Barry 100	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Black
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Britt	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Ford	Fraser	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Griesheimer
Hagan-Harrell	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hunter
Jetton	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Levin	Linton	Lograsso
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Purgason
Ransdall	Rector	Reid	Reinhart	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Troupe	Villa	Vogel	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Wright

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Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 019

Baker	Ballard	Bartelsmeyer	Bray 84	Franklin
Froelker	Green 73	Hampton	Harlan	Hohulin
Hosmer	Johnson 61	Liese	Relford	Shields
Treadway	Van Zandt	Wagner	Wiggins	

VACANCIES: 003

Speaker Pro Tem Abel declared the bill passed.

HCS SCR 28, relating to fuel prices, was taken up by Representative Harding.

Representative O'Toole offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Concurrent Resolution No. 28 as printed in the House Journal for the Sixty-eighth day, May 7, 2001, Journal Page 1657, fifth “WHEREAS” clause, by inserting immediately after all of said clause the following:

“WHEREAS, the regulatory standards specified in the federal Public Utility Regulatory Policies Act of 1978 could encourage energy conservation and assist consumers and utilities in dealing with price volatility; and”;
and

Further amend said resolution, Journal Page 1658, the “NOW, THEREFORE, BE IT RESOLVED” clause, by inserting immediately after all of said clause the following:

“BE IT FURTHER RESOLVED that the members of the Missouri Senate of the Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, also urge the Missouri Public Service Commission to consider or reconsider the regulatory standards specified in the Public Utility Regulatory Policies Act of 1978 and adopt such standards where appropriate; and”; and

Further amend said resolution, Journal Page 1658, in the “BE IT FURTHER RESOLVED” clause, Line 6 of said clause, by inserting immediately after the word “Budget” the following: “, the Missouri Public Service Commission”.

Representative Marble raised a point of order that **House Amendment No. 1** goes beyond the scope of the resolution.

The Chair ruled the point of order not well taken.

Representative Purgason raised a point of order that **House Amendment No. 1** goes beyond the scope of the resolution.

The Chair ruled the point of order not well taken.

Representative O'Toole moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Speaker Kreider resumed the Chair.

On motion of Representative Harding, **HCS SCR 28** was adopted and read the third time and passed by the following vote:

AYES: 142

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartle	Bearden	Behnen	Berkowitz	Black
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Lawson	Legan	Levin
Liese	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Overschmidt	Phillips
Portwood	Purgason	Ransdall	Rector	Reinhart
Relford	Reynolds	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Villa	Vogel	Walton
Ward	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 001

Selby

PRESENT: 000

ABSENT WITHLEAVE: 017

Baker	Bartelsmeyer	Berkstresser	Franklin	Green 73
Hampton	Harlan	Hohulin	Jetton	Johnson 61
Ostmann	Reid	Richardson	Troupe	Van Zandt
Wagner	Wiggins			

VACANCIES: 003

Speaker Kreider declared the bill passed.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **HCS HB 801** 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, **HCS HB 801** was delivered to the Governor by the Chief Clerk of the House.

THIRD READING OF SENATE BILL

HCS SB 125, relating to political subdivisions, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SB 125**.

Representative Shelton raised a point of order that **HS HCS SB 125** is not a true substitute and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 72, Section 135.530, Line 16, by inserting after all of said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
- (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.
- (7) **All personal property leased for a period of at least one year to this state, any city, county or political subdivision; or to any religious, educational or charitable organization, provided such property is actually and**

regularly used exclusively for religious worship, for school and colleges, or for purposes purely charitable."; and

Further amend said title, enacting clause and intersectional references accordingly.

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

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 6, Section 64.170, Line 21, by inserting immediately after the word "installation" the following: ", **plumbing or drain laying**"; and

Further amend said bill, Page 9, Section 64.180, Line 20, by inserting immediately after the word "agencies" the following: "**consistent with section 64.196**"; and

Further amend said bill, Page 13, Section 64.190, Line 6, by inserting immediately after all of said line the following:

"64.196. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended."; and

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

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

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 18, Section 214.035, Line 80, by inserting after all of said line the following:

"215.036. 1. Housing trust fund moneys shall be used to financially assist, in whole or in part by loans or grants, the development of housing stock and to provide housing assistance to persons and families with incomes at or below the levels described in [subsections] **subsection 2** [and 3] of this section, **and to provide housing assistance and related services to tenants of qualified low-income housing projects as defined in Section 42 of the Internal Revenue Code of 1986, as amended, or any successor provision.** [At least fifty percent of the loan or grant funds awarded over each two-year period, coincident with the biennium described in section 3 3.080, RSMo, shall be awarded for such activities and projects for residential occupancy by persons and families with incomes at or below the levels described in subsection 3 of this section.]

2. Persons or families are eligible [under] **pursuant to** this subsection if the household combined adjusted gross income is equal to or less than the following percentages of the median family income for the geographical area:

Percent of State or Geographic	
Size of Household	Area Family Median Income
One person	35%
Two persons	40%
Three persons	45%
Four persons	50%
Five persons	54%
Six persons	58%

Seven persons	62%
Eight persons	66%

As used in this section, the term "geographical area" shall be based upon the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger.

[3. Persons or families are eligible under this subsection if the household combined adjusted gross income is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger:

Size of Household	Percent of State or Geographic Area Family Median Income
One person	18%
Two persons	20%
Three persons	23%
Four persons	25%
Five persons	27%
Six persons	29%
Seven persons	31%
Eight persons	33%

4. During each two-year period described in subsection 1 of this section, at least thirty percent of the funds dispersed under this act shall be allocated to housing provider organizations which qualify as a "not-for-profit" organization as defined in chapter 355, RSMo, or section 42(h)(5)(C) of the Internal Revenue Code of 1986.]

215.038. The following are projects eligible for assistance under sections 215.034 to 215.039:

(1) Limited equity cooperatives in multifamily units, which shall be considered rental housing, and the monthly cooperative fee shall be considered the rental rate, or detached units, in urban, rural, or suburban areas;

(2) Rent subsidies for newly constructed units or rehabilitated multifamily units [otherwise assisted under this act], **whether tenant-based or project-based;**

(3) Rent subsidies for existing units which are not in violation of municipal or county housing codes, **whether tenant-based or project based;**

(4) Capacity building grants for not-for-profit housing corporations, as defined in subsection 4 of section 215.036, where the recipient serves a rural area and has been involved in housing construction, rehabilitation or services of the nature described in section 215.036 for less than four years;

(5) [Matching funds for social services directly related to special needs] **Facilities, equipment and services related to after-school learning centers, day care and continuing educational services for tenants in assisted projects;**

(6) Infrastructure improvement for eligible projects;

(7) New construction of permanent rental housing;

(8) Rehabilitation of [vacant] rental houses, or [vacant] multifamily units;

(9) New construction or rehabilitation of single-room occupancy units;

(10) New construction or rehabilitation of single-family housing;

(11) Shelters and related services for the homeless;

(12) Emergency aid such as temporary rental and mortgage payment and repairs to prevent homelessness;

(13) Provisions for rental housing for elderly and low-income residents of rural areas of Missouri by the Farmers Home Administration, or its successor agency;

(14) Mortgage insurance guarantees or payments for eligible projects; and

(15) Housing related services, including, but not limited to, home maintenance programs."; and

Further amend said title, enacting clause and intersectional references accordingly.

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

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 102, Section 247.165, Line 5, by deleting the year "1999" and inserting in lieu thereof the following: "1996"; and

Further amend said bill, Page 102, Section 247.165, Line 8, by inserting after the word "section" the following:

"except that such territory annexed in a county of the first classification without a charter form of government and with a population of more than sixty-three thousand eight hundred but less than seventy thousand inhabitants must have been annexed between January 1, 1999, and the effective date of this section"; and

Further amend said bill, Page 106, Section 247.165, Line 1, by inserting after all of said line the following:

"247.171. The proportion of the sum of all outstanding bonds and debt, with interest thereon, that is required to be paid to the water supply district, pursuant to subsection 1 of section 247.031 and subdivision (5) of subsection 1 of section 247.170, shall be the same as the proportion of the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the water supply district."; and

Further amend said bill, Page 130, Section 1, Line 10, by inserting after all of said line the following:

"[247.224. Any person who resides within the boundary of a public water supply district located in any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand inhabitants and who is unable to receive services from such district due to the district's failure to provide such services may elect to be removed from such district by sending a written and signed request for removal via certified mail to the district. The district shall, upon receipt of such request, remove such resident from the district. If the resident elects to be removed from the district, the resident shall compensate the district for any costs incurred by the district for such resident's removal from the district and for any attempts by the district to provide service to such resident prior to the certified date that the district received the request for removal.]; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Lograsso, **House Amendment No. 4** was adopted.

Representative Gratz offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 87, Section 214.035, Line 15, by inserting after all of said line the following:

"217.900. 1. There is hereby established the "Missouri State Penitentiary Redevelopment Commission".

2. The commission shall consist of ten commissioners who shall be qualified voters of the state of Missouri. Three commissioners, no more than two of whom shall belong to the same political party, shall be residents of Jefferson City and shall be appointed by the mayor of that city; three commissioners, no more than two of whom shall belong to the same political party, shall be residents of Cole County but not of Jefferson City and shall be appointed by the county commission; and four commissioners, no more than three of whom shall belong to the same political party, none of whom shall be residents of Cole County or of Jefferson City, shall be appointed by the governor with the advice and consent of the senate. The governor shall appoint one of the commissioners who is not a resident of Cole County or Jefferson City to be the chair of the commission. No elected or appointed official of the state of Missouri or of any city or county in this state shall be appointed to the commission.

3. The commissioners shall serve for terms of three years, except that the first person appointed by each the mayor, the county commission and the governor shall serve for two years and the second person appointed by the governor shall serve for four years. Each commissioner shall hold office until a successor has been appointed and qualified. In the event a vacancy exists or in the event a commissioner's term expires, a successor commissioner shall be appointed by whomever appointed the commissioner who initially held the vacant positions and if no person is so selected within sixty days of the creation of the vacancy, the unexpired term of such commissioner may be filled by a majority vote of the remainder of the commissioners, provided such successor commissioner shall meet the requirements set forth by this section. Pending any such appointment to fill any vacancy, the remaining commissioners may conduct commission business. Commissioners shall serve without compensation but shall be entitled to reimbursement from the Missouri state penitentiary redevelopment commission fund established in subsection 7 of this section for expenses incurred in conducting the commission's business.

4. The commission shall have the following powers:

(1) To acquire title to the property historically utilized as the Missouri state penitentiary and to acquire by gift, bequest, purchase, lease or sublease from public or private sources property adjacent thereto and necessary or appropriate to the successful redevelopment of the Missouri state penitentiary property;

(2) To lease or sell real property to developers who will utilize the property consistent with the master plan for the property;

(3) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(4) To hire employees necessary to perform the commission's work;

(5) To contract and to be contracted with, including, but without limitation, the authority to enter into contracts with cities, counties and other political subdivisions, agencies of the state of Missouri and public agencies pursuant to sections 70.210 to 70.325, RSMo, and otherwise, and to enter into contracts with other entities, in connection with the acquisition by gift, bequest, purchase, lease or sublease and in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of any real property or facility and for any other lawful purpose, and to sue and to be sued;

(6) To receive for its lawful activities any rentals, proceeds from the sale of real estate, contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, state or other political subdivisions or public agencies or by the federal government or any agency or officer thereof or from any other sources and to apply for grants and other funding;

(7) To disburse funds for its lawful activities and fix salaries and wages of its employees;

(8) To invest any of the commission's funds in such types of investments as shall be determined by a resolution adopted by the commission;

(9) To borrow money for the acquisition, construction, equipping, operation, maintenance, repair, remediation or improvement of any facility or real property to which the commission holds title and for any other proper purpose, and to issue negotiable notes, bonds and other instruments in writing as evidence of sums borrowed;

(10) To perform all other necessary and incidental functions, and to exercise such additional powers as shall be conferred by the general assembly; and

(11) To purchase insurance, including self-insurance, of any property or operations of the commission or its members, directors, officers and employees, against any risk or hazard, and to indemnify its members, agents, independent contractors, directors, officers and employees against any risk or hazard.

5. In no event shall the state be liable for any deficiency or indebtedness incurred by the commission.

6. The income of the commission and all properties any time owned by the authority shall be exempt from all taxation in the state of Missouri.

7. There is hereby created in the state treasury the "Missouri State Penitentiary Redevelopment Commission Fund", which shall consist of money collected pursuant to this section. The fund shall be administered by the Missouri state penitentiary redevelopment commission. Money in the fund shall be used solely for the purposes of the Missouri state penitentiary redevelopment commission.

8. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

9. Upon the dissolving of the commission, any funds remaining in the Missouri State Penitentiary

Commission Fund shall be transferred to the general revenue fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Gratz, **House Amendment No. 5** was adopted.

Representative Shields offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 130, Section 650.411, Line 10, by inserting after all of said line the following:

"205.968. 1. As set forth in section 205.971, when a levy is approved by the voters, the governing body of any county or city not within a county of this state shall establish a board of directors. The board of directors shall be a legal entity empowered to establish and/or operate a sheltered workshop as defined in section 178.900, RSMo, residence facilities, or [related services, for the care or employment, or both, of handicapped persons] **any other services or programs for persons with developmental disabilities and their families.** The [facility] **sheltered workshop, residential facilities, or any other services or programs** may operate at one or more locations in the county or city not within a county. Once established, the board **or directors** may, in its own name engage in and contract for any and all types of services, actions or endeavors, not contrary to the law, necessary to the successful and efficient prosecution and continuation of the business and purposes for which it is created, and may purchase, receive, lease or otherwise acquire, own, hold, improve, use, sell, convey, exchange, transfer, and otherwise dispose of real and personal property, or any interest therein, or other assets wherever situated and may incur liability and may borrow money at rates of interest up to the market rate published by the Missouri division of finance. The board shall be taken and considered as a "political subdivision" **as the term is defined in section 70.210, RSMo, for purposes of sections 70.210 to 70.320, RSMo, and** as the term is defined in section 70.600, RSMo, for the purposes of sections 70.600 to 70.755, RSMo.

2. Services may only be provided for those persons defined as [handicapped persons in section 178.900, RSMo, and those persons defined as handicapped persons] **having a developmental disability** in this section whether or not employed [at the facility] **in a sheltered workshop** or in the community[, and for persons who are handicapped due to developmental disability]. Persons having substantial functional limitations due to a mental illness as defined in section 630.005, RSMo, shall not be eligible for services [under] **pursuant to** the provisions of sections 205.968 to [205.972] **205.973** except that those persons may participate in services under the provisions of sections 205.968 to [205.972] **205.973**. All persons otherwise eligible for [facilities or services under] **services pursuant to** this section shall be eligible regardless of their age; except that, individuals employed in sheltered workshops must be at least sixteen years of age. The board **of directors** may, in its discretion, impose limitations with respect to individuals to be served and services to be provided. Such limitations shall be reasonable in [the] light of available funds, needs of the persons and community to be served as assessed by the board, and the appropriateness and efficiency of combining services to persons with various types of [handicaps or] disabilities. **The board of directors shall devise and conduct an annual assessment of the needs of persons with developmental disabilities, their families and the community. Such assessment shall allow for reasonable input from diverse populations of persons with developmental disabilities and their families.**

3. For the purposes of sections 205.968 to [205.972] **205.973**, the term

[(1) "Developmental disability" shall mean either or both paragraph (a) or (b) of this subsection:

(a) A disability which is attributable to mental retardation, cerebral palsy, autism, epilepsy, a learning disability related to a brain dysfunction or a similar condition found by comprehensive evaluation to be closely related to such conditions, or to require habilitation similar to that required for mentally retarded persons; and

a. Which originated before age eighteen; and

b. Which can be expected to continue indefinitely;

(b) A developmental disability as defined in section 630.005, RSMo;

(2) "Handicapped person" shall mean a person who is lower range educable or upper range trainable mentally retarded or a person who has a developmental disability.] **"developmental disability" shall mean:**

(1) A disability that:

(a) Is manifested before the person attains twenty-two years of age; and
 (b) Is likely to continue indefinitely; and
 (c) Results in substantial functional limitations in two or more of the following areas of major life activities:

- a. Self-care;
 - b. Receptive and expressive language development and use;
 - c. Learning;
 - d. Self-direction;
 - e. Capacity for independent living or economic self-sufficiency; and
 - f. Mobility; and
- (d) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, or other services; and
- (e) Reflects the person's need for services and supports that may be lifelong or extending in duration, and which are individually planned and coordinated.

205.969. 1. The board of directors may provide a sheltered workshop program for the county or city not within a county and as part of the **workshop's** program shall conduct work and developmental programs as provided by section 178.910, RSMo, pursuant to rules and standards developed and adopted by the department of elementary and secondary education.

2. The board may provide places of residence and [related] activity or social centers for those eligible persons.

3. The board may provide any other services or programs pursuant to rules and standards developed and adopted by the board of directors or other governmental agencies having jurisdiction.

205.970. 1. When approved by the voters pursuant to section 205.971, the governing body of the county or city not within a county shall appoint a board of directors consisting of a total of nine members, two of whom shall be related by blood or marriage within the third degree to a [handicapped] person **with a development disability** as defined in section 205.968, and four of whom shall be public members. At least seven of the board members shall be residents of the county or city not within a county where the [facility is] **sheltered workshop, residence facilities, or other services or programs** are located. After September 28, 1979, all board members shall be appointed to serve for a term of three years, except that of the first board appointed after September 28, 1979, three members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Board members may be reappointed. The [directors] **board members** shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

2. The [administrative control and management of the facility shall rest solely with the board, and the] board shall employ all necessary personnel, fix their compensation, and provide suitable quarters and equipment [for the operation of the facility] from funds made available for this purpose.

3. Notwithstanding any provision of law to the contrary, and irrespective of whether or not a county sheltered workshop or residence facility has been established, the board of directors may **provide or** contract to provide [services relating in whole or in part to the services which the board may provide to handicapped persons as defined in this law] **any other services or programs that it deems are needed, based on its most recent needs assessment. Such services may be provided to persons with developmental disabilities and their families as defined in section 205.968, and for such [purpose] purposes the board** may expend the tax funds or other funds.

4. The board shall elect a chairman, vice chairman, treasurer, and such other officers as it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety bond, in an amount to be determined and in a form to be approved by the board, for the faithful performance of his **or her** duties and faithful accounting of all moneys that may come into his **or her** hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board of directors.

5. The board of directors shall set rules for admission to [the facility, and] **its services and programs; except that, rules for admission to a sheltered workshop shall be those established and adopted by the department of elementary and secondary education. The board** shall do all other things necessary to carry out the purposes of sections 205.968 to [205.972] **205.973.**

6. The board may contract with any not for profit corporation including any corporation which is incorporated for the purpose of implementing the provisions of sections 178.900 to 178.970, RSMo, for any common services, or for the common use of any property of either group.

7. The board of directors may accept any gift of property or money for the [use and benefit of the facility] **provision of its services and programs**, and the board is authorized to sell or exchange any such property which it

believes would [be to the benefit of the facility] **benefit its services and programs** so long as the proceeds are used exclusively for [facility purposes] **its services and programs**. The board shall have exclusive control of all gifts, property or money it may accept; of all interest or other proceeds which may accrue from the investment of such gifts or money or from the sale of such property; of all tax revenues collected by the county **or city not within a county** on behalf of the [facilities or] **services and programs**; and of all other funds granted, appropriated, or loaned to it by the federal government, the state, or its political subdivisions so long as these resources are used solely to benefit the [facility or related] **services or programs** except those paid for transportation purposes [under] **pursuant to** the provisions of section 94.645, RSMo.

8. Any board member may, following notice and an opportunity to be heard, be removed from office by a majority vote of the other members of the board for any of the following grounds:

- (1) Failure to attend five consecutive meetings, without good cause;
- (2) Conduct prejudicial to the good order and efficient operation of the [facility or] **services or programs**; or
- (3) Neglect of duty. The chairman of the board shall preside at such removal hearing, unless he or she is the person sought to be removed. In which case the hearing shall be presided over by another member elected by the majority vote of the other board members. All interested parties may present testimony and arguments at such hearing, and the witnesses shall be sworn by oath or affirmation before testifying. Any interested party may, at his or her own expense, record the proceedings.

9. Vacancies in the board occasioned by removals, resignations or otherwise shall be reported by the board chairman to the mayor's office of a city not within a county or the county commission or county executive officer and shall be filled in like manner as original appointments; except that, if the vacancy occurs during an unexpired term, the appointment shall be for only the unexpired portion of that term.

10. Individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board.

11. No person shall be employed by the board who is related within the third degree by blood or by marriage to any member of the board.

205.971. The board of aldermen or other governing body of a city not within a county and the county commission or other governing body of the county, except for a county of the first classification having a charter form of government containing in part a city with a population of more than three hundred fifty thousand inhabitants, or a county of the first classification having a charter form of government with a population of at least nine hundred thousand inhabitants may, upon approval of a majority of the qualified voters of such city or county thereon, levy and collect a tax not to exceed four mills per dollar of assessed valuation upon all taxable property within the city or county for the purpose of establishing and maintaining [the county] **a sheltered workshop, residence, facility [and/or related services], or any other services or programs**. The county commission or other governing body of a county of the first classification having a charter form of government containing in whole or part a city with a population of more than three hundred fifty thousand inhabitants, or a county of the first classification having a charter form of government with a population of at least nine hundred thousand inhabitants may, upon approval of a majority of the qualified voters of such county or city voting thereon, levy and collect a tax not to exceed two mills per dollar of assessed valuation upon all taxable property within such county or city for the purpose of establishing and maintaining [the county or city] **a sheltered workshop, residence, facility [and/or related services] or any other services or programs**. The tax so levied shall be collected along with other county taxes, or in the case of a city not within a county, with other city taxes, in the manner provided by law. All funds collected for this purpose shall be deposited in a special fund and shall be used for no other purpose. Deposits in the fund shall be expended only upon approval of the board.

205.972. 1. The tax may not be levied to exceed forty cents per each one hundred dollars assessed valuation therefor except for a county of the first classification having a charter form of government containing in whole or part a city with a population of more than three hundred fifty thousand inhabitants, or a county of the first classification having a charter form of government with a population of at least nine hundred thousand inhabitants voting thereon shall not levy a tax to exceed twenty cents per each one hundred dollars assessed valuation therefor.

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

OFFICIAL BALLOT

Shall (name of county or city not within a county) establish, improve, (and) (or) maintain a sheltered workshop (and) (or) residence facility (and) (or) [related services for developmentally disabled and handicapped persons] **any other services or programs for persons with developmental disabilities and their families**, and for which the county or city shall levy a tax of (insert exact amount to be voted upon) cents per each one hundred dollars assessed valuation therefor?

☐ YES

☐ NO

205.973. No employer of a [handicapped or developmentally disabled] person **with developmental disabilities** employed in a sheltered workshop shall be liable for any head tax imposed by any city in this state.

Section B. Because immediate action is necessary to avoid disruption in service to persons with developmental disabilities, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect on July 1, 2001, or upon its passage and approval, whichever later occurs."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Shields moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 047

Baker	Bearden	Behnen	Bland	Bray 84
Burcham	Byrd	Campbell	Cunningham	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Graham	Green 15	Green 73	Harding	Hegeman
Hickey	Holand	Hollingsworth	Holt	Kelley 47
Kelly 27	Kelly 36	King	Legan	Luetkenhaus
May 149	Moore	Murphy	Myers	Naeger
O'Connor	Ostmann	Portwood	Reid	Robirds
Schwab	Shields	Shoemyer	Skaggs	Surface
Williams	Wilson 25			

NOES: 103

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartle	Berkowitz	Berkstresser	Black	Boatright
Bonner	Boucher	Bowman	Boykins	Britt
Brooks	Burton	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Crawford	Crowell
Crump	Curls	Davis	Ford	Fraser
Froelker	Gambaro	Gaskill	George	Gratz
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Hartzler
Haywood	Henderson	Hendrickson	Hilgemann	Hohulin
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Kelly 144	Kennedy	Koller
Levin	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Marble	Marsh	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Nordwald	O'Toole	Overschmidt	Phillips	Ransdall
Rector	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Ross	Scheve
Scott	Secrest	Seigfreid	Selby	Smith
St. Onge	Thompson	Townley	Treadway	Troupe
Villa	Vogel	Walton	Ward	Willoughby
Wilson 42	Wright	Mr. Speaker		

PRESENT: 001

Copenhaver

ABSENT WITH LEAVE: 009

Bartelsmeyer
Shelton

Franklin
Van Zandt

Harlan
Wagner

Lawson
Wiggins

Purgason

VACANCIES: 003

Representative Scheve offered House Amendment No. 7.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 32, Section 67.1545, Line 14, by inserting after all of said line the following:

"67.1809. There is hereby established a "Regional Taxicab District", the boundaries of which shall encompass each constitutional charter city not within a county and each constitutional charter county adjoining such city, including all incorporated municipalities located within such constitutional charter county.

67.1810. For each regional taxicab district, there is hereby established a "Regional Taxicab Commission", which shall be a body politic and corporate, vested with all the powers expressly granted to it herein, created for the public purposes of recognizing taxicab service as a public transportation system, improving the quality of the system and exercising primary authority over the provision of licensing, control and regulations of taxicab services within the district.

67.1811. For purposes of sections 67.1809 to 67.1825, the following terms shall mean:

(1) "Airport commission", an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county and other approximate counties within the region;

(2) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;

(3) "Airport taxicab", a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular or specific route, and the charge therefor is made on the basis of distance traveled as indicated by the taximeter;

(4) "Chief executive", the mayor of the city and the county executive of the county;

(5) "City", a city not within a county;

(6) "Commission", the regional taxicab commission created by section 67.1809;

(7) "County", a county of the first classification with a charter form of government adjacent to a city not within a county;

(8) "District", the geographical area encompassed by the regional taxicab commission;

(9) "Hotel and restaurant industry", the group of enterprises actively engaged in the business of operating lodging and dining facilities for transient guests;

(10) "Municipality", a city, town or village which has been duly incorporated in accordance with the laws of the state of Missouri;

(11) "On-call/reserve taxicab", any motor vehicle engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand or from a garage on a regular route or between fixed termini on a schedule; where no regular or specific route is traveled; passengers are taken to and from such places as they may designate; and the charge therefor is made on the basis of distance traveled as indicated by a taximeter;

(12) "Premium sedan", any motor vehicle engaged in the business of carrying persons for hire on the streets of the district which seats a total of five or less passengers in addition to a driver; and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle; the charge therefor is a prearranged, fixed contract price quoted for transportation between termini selected by the passenger;

(13) "Taxicab"; airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as taxicabs;

(14) "Taxicab company", the use of one or more taxicabs operated as a business carrying persons for hire;

(15) "Taximeter", a meter instrument or device attached to an on-call taxicab or airport taxicab which

measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

67.1812. 1. The regional taxicab commission shall consist of a chairperson plus six members, three of whom shall be appointed by the chief executive of the city, and three of whom shall be appointed by the chief executive of the county. Of the six members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, one city appointee and one county appointee shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and then the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person appointed by that chief executive. All members and the chairman must reside within the district while serving as a member. All members as well as the chairman shall serve without compensation.

2. In making the six appointments set forth in subsection 1 of this section, the chief executive officer of the city and the chief executive officer of the county shall each select at least one taxicab company representative. Should any such taxicab company representative resign or be otherwise unable to serve out the term for which that representative was appointed, a taxicab company representative shall be appointed to complete the specified term.

67.1813. The regional taxicab commission is empowered to:

(1) Develop and implement plans, policies, and programs to improve the quality of taxicab service within the district;

(2) Cooperate and collaborate with the hotel and restaurant industry to restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers and/or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies, and to obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini;

(3) Cooperate and collaborate with other governmental entities, including the government of the United States, the state of Missouri, and political subdivisions of this and other states;

(4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;

(5) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;

(6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;

(7) Execute contracts, sue and be sued;

(8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs, and provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;

(9) To enact the taxicab code under power of law with the authority granted the commission to cause both the civil and criminal prosecution of those failing to comply with the code's licensing, inspection, and other regulatory requirements, including the agreed upon delegation by the commission of prosecutorial and judicial functions to those existing bodies currently so serving the respective city and county which comprise the district;

(10) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection and enforcement functions; and

(11) Establish accounts with appropriate banking institutions, borrow money, buy, sell or lease property for the necessary functions of the commission.

67.1814. To implement internally the powers which it has been granted, the commission shall:

(1) Elect its own vice chair, secretary and such other officers as it deems necessary, make such rules and regulations as are necessary and consistent with the commission's powers;

(2) Employ a director and necessary staff, fix their compensation, and establish the scope, benefits and other terms of such employment;

(3) Provide for the expenditure of funds necessary for the proper administration of the commission's assigned duties;

(4) Convene regular meetings of the entire commission as often as is deemed necessary by the commission members; and

(5) Make decisions by affirmative vote of the majority of the commission; provided, however, that at least two city appointees and two county appointees must be included in such majority and provided further, that the chairman of the commission may vote to break any tie votes.

67.1816. Following the appointment of the commission, the regional taxicab commission shall meet for the purpose of establishing and adopting a district-wide taxicab code. In promulgating the taxicab code, the commission may seek to preserve within the code the provisions of chapter 8.98 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating to taxicab issues such as licensing, regulation, inspection, enforcement and rate setting while avoiding unnecessary overlaps or inconsistencies between the ordinances. The commission will present a draft of its district-wide taxicab code at public hearings, at least one of which will be held in the city and another in the county, following extensive prior public notice of same. The commission will adopt its taxicab code no later than one hundred eighty days after the appointment of the initial set of commission members. The commission shall have the power to amend the taxicab code from time to time following the initial adoption thereof without the requirement of public notice or hearings.

67.1817. The commission shall further seek the input of the city, county and airport commission generally regarding the taxicab code and, particularly with reference to airport taxicabs, shall seek to insure:

(1) Continuous, smooth airport service during any transition period from the current city and county operation to the new regional taxicab commission;

(2) Twenty-four hour a day, seven days a week availability of service to both the main airport terminal and east terminal; and

(3) Airport commission involvement as to the servicing of the airport by taxicabs. The commission shall regulate neither the airport nor airport taxicabs with reference to cab parking, circulation, cab stands, or passenger loading at the airport nor the payment by airport taxicabs for use of the airport or its facilities.

67.1820. The city and county's ordinances relating to taxicabs, as well as ordinances adopted by municipalities within the county, shall remain in full force and effect, and be enforced as such by the city and county, until one hundred twenty days after the regional taxicab commission adopts its taxicab code, at which time such city and county ordinances shall be deemed to be rescinded. Thereafter all licensing, regulations, inspections of taxicabs and enforcement of the taxicab code shall rest exclusively with the regional taxicab commission; all taxicabs subject to the taxicab code shall be required to comply fully therewith, notwithstanding any previously issued licenses or certificates of convenience; all available taxicab licensing, inspection and related fees previously collected and remaining unspent by other jurisdictions shall be immediately paid over to the regional taxicab commission for its future use in administering the taxicab code. The provisions of this section notwithstanding, existing municipal regulations relating to taxicab curb locations and curb fees, as well as local business licenses which do not seek to regulate taxicab use, shall not be preempted by the taxicab code except by agreement between the commission and applicable municipality.

67.1822. The commission shall establish as part of the taxicab code its own internal administrative procedure for decisions involving the granting, denying, suspending and revoking of licenses. The commission shall study and take into account the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license related decisions to be conducted by independent hearing officers. To the extent authorized in the taxicab code, the findings of such officers may, in turn, be reviewed by the administrative hearing commission pursuant to chapters 536 and 621, RSMo. The regional taxicab commission shall be included pursuant to section 621.045, RSMo, as an agency from which certain decisions may be subject to hearings before the administrative hearing commission in accordance with the standards set forth in section 621.045, RSMo.

67.1823. The regional taxicab commission shall initially establish, subject to public hearings thereon, an annual budget required for the effective implementation and enforcement of the taxicab code, taking into account staffing requirements and related expenses as well as all revenue sources, including collection of fees previously paid to and unspent by other enforcing jurisdictions and future fees projected to be collected by the commission. Recognizing the elimination of duties and costs associated with the regulatory and enforcement functions of taxicab administration previously borne by the city and county and being assumed by the commission, the city and county shall have the authority to appropriate additional budgetary funding for the commission's needs.

67.1825. 1. The regional taxicab commission shall, before the second Monday in April of each year, make an annual report to the chief executive officers and to the governing bodies of the city and county, stating the

conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year, and at the close of each fiscal year thereafter, the chief executives of the city and the county shall appoint one or more certified public accountants, who shall annually examine the books, papers, documents, accounts and vouchers of the commission, and who shall report thereon to the chief executives of the city and county and to the regional taxicab commission. The commission shall produce and submit for examination all books, papers, documents, accounts and vouchers, and shall in every way assist said certified public accountants in the performance of their duties pursuant to this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Bowman raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Scheve moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

HCS SB 125, with HS as amended, pending, was laid over.

MOTION

Representative Crump moved that Rule 60(c) be suspended in order for the House to take up **CCR SCS HCS HB 14**.

Which motion was adopted by the following vote:

AYES: 130

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Copenhaver	Crawford	Crump
Cunningham	Curls	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Ford
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Hickey	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kennedy	King	Koller	Legan
Levin	Liese	Long	Lowe	Luetkenhaus
Marble	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naegeer	Nordwald	O'Connor	O'Toole

Ostmann	Overschmidt	Phillips	Portwood	Ransdall
Reid	Reinhart	Relford	Reynolds	Ridgeway
Rizzo	Robirds	Ross	Scheve	Schwab
Secrest	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Thompson	Treadway
Troupe	Villa	Vogel	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

NOES: 009

Burcham	Cooper	Crowell	Henderson	Hendrickson
Hohulin	Hosmer	Marsh	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 021

Bartelsmeyer	Berkstresser	Brooks	Franklin	Harlan
Kelly 36	Lawson	Linton	Lograsso	Luetkemeyer
Purgason	Rector	Richardson	Roark	Scott
Seigfreid	Surface	Townley	Van Zandt	Wagner
Wiggins				

VACANCIES: 003

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 14**

Mr. Speaker: Your Conference Committee appointed to confer with a like Committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 14.
2. That the House recede from its position on House Committee Substitute for House Bill No. 14.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14 be truly agreed and finally passed.

FOR THE HOUSE:

/s/ Timothy P. Green

FOR THE SENATE:

/s/ John Russell

/s/ Charles “Quincy” Troupe
/s/ May Scheve
/s/ Charlie Shields
/s/ Catherine Hanaway

/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

BILLS IN CONFERENCE

CCRSCS HCS HB 14, relating to appropriations, was taken up by Representative Green (73).

On motion of Representative Green (73), **CCR SCS HCS HB 14** was adopted by the following vote:

AYES: 094

Baker	Barnett	Barnitz	Barry 100	Bearden
Behnen	Berkowitz	Berkstresser	Black	Bland
Bonner	Bowman	Bray 84	Britt	Brooks
Burton	Campbell	Carnahan	Cierpiot	Clayton
Copenhaver	Crowell	Crump	Curls	Davis
Dempsey	Fares	Farnen	Foley	Fraser
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hegeman
Hickey	Hilgemann	Holand	Holt	Hoppe
Hosmer	Jetton	Johnson 61	Johnson 90	Jolly
Kelly 36	Kennedy	King	Lawson	Legan
Liese	Long	Lowe	Mayer	Mays 50
McKenna	Merideth	Myers	Naeger	Nordwald
O'Connor	Ostmann	Ransdall	Relford	Reynolds
Richardson	Robirds	Ross	Schwab	Secrest
Seigfreid	Shields	Shoemyer	Skaggs	Smith
St. Onge	Treadway	Villa	Ward	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 034

Ballard	Bartle	Boatright	Boucher	Burcham
Byrd	Crawford	Enz	Froelker	Griesheimer
Hendrickson	Hohulin	Kelley 47	Kelly 144	Kelly 27
Levin	Linton	Marble	May 149	Miller
Moore	Murphy	Phillips	Portwood	Purgason
Rector	Reid	Reinhart	Ridgeway	Roark
Scott	Selby	Surface	Townley	

PRESENT: 000

ABSENT WITHLEAVE: 032

Abel	Bartelsmeyer	Boykins	Champion	Coleman
Cooper	Cunningham	Dolan	Ford	Franklin
Henderson	Hollingsworth	Hunter	Koller	Lograsso
Luetkemeyer	Luetkenhaus	Marsh	Monaco	O'Toole
Overschmidt	Rizzo	Scheve	Shelton	Thompson
Troupe	Van Zandt	Vogel	Wagner	Walton
Wiggins	Wright			

VACANCIES: 003

On motion of Representative Green (73), **CCS SCS HCS HB 14** was read the third time and passed by the following vote:

AYES: 095

Baker	Barnett	Bearden	Behnen	Berkowitz
Black	Bland	Bonner	Bowman	Bray 84
Britt	Burton	Campbell	Carnahan	Cierpiot
Clayton	Copenhaver	Crowell	Crump	Curls
Davis	Dolan	Fares	Farnen	Foley
Fraser	Gambaro	Gaskill	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Jetton	Johnson 61	Johnson 90	Jolly
Kelly 36	Kennedy	King	Lawson	Legan
Liese	Long	Lowe	Luetkemeyer	Mayer
Mays 50	McKenna	Merideth	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Ransdall	Reid	Relford	Reynolds	Richardson
Ridgeway	Robirds	Ross	Schwab	Secrest
Seigfreid	Shields	Shoemyer	Skaggs	Smith
St. Onge	Thompson	Treadway	Villa	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

NOES: 036

Ballard	Barnitz	Bartle	Berkstresser	Boatright
Boucher	Burcham	Byrd	Crawford	Cunningham
Dempsey	Enz	Froelker	Griesheimer	Henderson
Hendrickson	Hohulin	Kelley 47	Kelly 144	Kelly 27
Levin	Linton	Marble	May 149	Miller
Moore	Phillips	Portwood	Purgason	Rector
Reinhart	Roark	Scott	Selby	Surface
Townley				

PRESENT: 000

ABSENT WITHLEAVE: 029

Abel	Barry 100	Bartelsmeyer	Boykins	Brooks
Champion	Coleman	Cooper	Ford	Franklin
George	Hosmer	Hunter	Koller	Lograsso
Luetkenhaus	Marsh	Monaco	Overschmidt	Rizzo
Scheve	Shelton	Troupe	Van Zandt	Vogel
Wagner	Walton	Wiggins	Wright	

VACANCIES: 003

Speaker Kreider declared the bill passed.

CCR SCS HCS HB 12, relating to appropriations, was taken up by Representative Bonner.

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On motion of Representative Bonner, **CCR SCS HCS HB 12** was adopted by the following vote:

AYES: 090

Ballard	Barnett	Barnitz	Bearden	Berkowitz
Berkstresser	Black	Bland	Bonner	Bray 84
Britt	Brooks	Campbell	Carnahan	Cierpiot
Cooper	Copenhaver	Crump	Curls	Davis
Fares	Foley	Fraser	Gambara	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Harding	Hartzler
Haywood	Hegeman	Hickey	Holand	Holt
Hosmer	Johnson 61	Johnson 90	Jolly	Kelley 47
Kelly 27	Kelly 36	Kennedy	King	Lawson
Legan	Liese	Long	Lowe	Luetkemeyer
May 149	Mays 50	Merideth	Miller	Murphy
Myers	Naeger	Nordwald	O'Connor	Ostmann
Ransdall	Rector	Reinhart	Relford	Reynolds
Robirds	Ross	Scheve	Schwab	Secrest
Seigfreid	Selby	Shields	Skaggs	Smith
St. Onge	Townley	Treadway	Troupe	Villa
Ward	Williams	Wilson 25	Wilson 42	Mr. Speaker

NOES: 033

Bartle	Boatright	Boucher	Burcham	Clayton
Crawford	Crowell	Cunningham	Dempsey	Dolan
Enz	Froelker	Hanaway	Henderson	Hendrickson
Hohulin	Jetton	Kelly 144	Levin	Linton
Lograsso	Marble	Mayer	Phillips	Portwood
Purgason	Reid	Richardson	Ridgeway	Roark
Scott	Surface	Wright		

PRESENT: 001

Moore

ABSENT WITH LEAVE: 036

Abel	Baker	Barry 100	Bartelsmeyer	Behnen
Bowman	Boykins	Burton	Byrd	Champion
Coleman	Farnen	Ford	Franklin	Harlan
Hilgemann	Hollingsworth	Hoppe	Hunter	Koller
Luetkenhaus	Marsh	McKenna	Monaco	O'Toole
Overschmidt	Rizzo	Shelton	Shoemyer	Thompson
Van Zandt	Vogel	Wagner	Walton	Wiggins
Willoughby				

VACANCIES: 003

On motion of Representative Bonner, **CCS SCS HCS HB 12** was read the third time and passed by the following vote:

AYES: 093

Barnett	Barnitz	Barry 100	Bearden	Berkowitz
Berkstresser	Black	Bland	Bonner	Bray 84
Britt	Brooks	Campbell	Carnahan	Champion
Cierpiot	Copenhaver	Crump	Curls	Davis
Fares	Farnen	Foley	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Harding	Harlan	Hartzler	Haywood	Hegeman
Hickey	Hilgemann	Holand	Holt	Hosmer
Johnson 61	Johnson 90	Jolly	Kelley 47	Kelly 27
Kelly 36	Kennedy	King	Lawson	Legan
Liese	Long	Lowe	Luetkemeyer	May 149
Mays 50	Merideth	Miller	Murphy	Myers
Naeger	Nordwald	O'Connor	Ostmann	Ransdall
Rector	Reinhart	Relford	Reynolds	Robirds
Ross	Scheve	Schwab	Secrest	Seigfreid
Selby	Shields	Shoemyer	Skaggs	Smith
Treadway	Troupe	Villa	Walton	Williams
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 035

Bartle	Boatright	Boucher	Burcham	Byrd
Clayton	Cooper	Crawford	Crowell	Cunningham
Dempsey	Dolan	Enz	Hanaway	Henderson
Hendrickson	Hohulin	Jetton	Kelly 144	Levin
Linton	Lograsso	Marble	Mayer	Moore
Phillips	Portwood	Purgason	Reid	Richardson
Ridgeway	Roark	Scott	Surface	Wright

PRESENT: 000

ABSENT WITH LEAVE: 032

Abel	Baker	Ballard	Bartelsmeyer	Behnen
Bowman	Boykins	Burton	Coleman	Ford
Franklin	Hollingsworth	Hoppe	Hunter	Koller
Luetkenhaus	Marsh	McKenna	Monaco	O'Toole
Overschmidt	Rizzo	Shelton	St. Onge	Thompson
Townley	Van Zandt	Vogel	Wagner	Ward
Wiggins	Willoughby			

VACANCIES: 003

Speaker Kreider declared the bill passed.

CCR HCS SCS SB 151, relating to auto insurance, was taken up by Representative Gaskill.

Representative Gaskill moved that the House refuse to adopt **CCR HCS SCS SB 151** and request the Senate to grant the House a further conference.

Which motion was adopted.

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 adopted the Conference Committee Report on **SCS HCS HB 13**, and has taken up and passed **CCS SCS HCS HB 13**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 16**, and has taken up and passed **CCS SCS HB 16**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 18, as amended**, and has taken up and passed **CCS SCS HCS HB 18**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 19**, and has taken up and passed **CCS SCS HCS HB 19**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 491**, and has taken up and passed **CCS SCS HB 491**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 319, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS HCS SB 371, as amended**, and has taken up and passed **HS HCS SB 371, as amended**.

BILLS CARRYING REQUEST MESSAGES

HCS SB 319, as amended, relating to the assessment of students, was taken up by Representative Johnson (61).

Representative Johnson (61) moved that the House refuse to recede from its position on **HCS SB 319, as amended**, and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEE

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

HCS SB 319: Representatives Johnson (61), Relford, Franklin, Myers and Shields

THIRD READING OF SENATE BILL

HCS SB 125, with HS, as amended, pending, relating to political subdivisions, was again taken up by Representative Hoppe.

Representative Jetton offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Section 135.305, Page 59, Line 22, by inserting immediately after said line the following:

"135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as a production incentive to produce processed wood products in a qualified wood producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of [five] **ten** years and is to be a tax credit against the tax otherwise due."; and

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

On motion of Representative Jetton, **House Amendment No. 8** was adopted.

Representative Hosmer offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 111, Line 24, by adding at the end of said line the following:

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

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour;

(2) Upon the rural expressways of this state, sixty-five miles per hour;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed

as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance [with the approval of the state highways and transportation commission]. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

- (1) Not primarily designed to expedite traffic flow; and
- (2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance.

If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection 1 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

304.062. Notwithstanding the provisions of sections 304.010, 304.120, and 304.130, and any other provision of law to the contrary, a school board may recommend to the municipality in which such school board is located a regulation governing the speed of vehicles on any road within an area designated as a school zone, and the municipality in which such school board is located may adopt such recommended regulation by ordinance without the consent of the state highways and transportation commission. Any such reduction of speed in an area designated as a school zone shall be designated to promote public safety.”; and

Further amend the title and enacting clause accordingly.

Representative Hosmer moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 032

Barnitz	Bonner	Boucher	Bray 84	Britt
Campbell	Clayton	Davis	Fraser	Gambaro
George	Graham	Hagan-Harrell	Harding	Holand
Hollingsworth	Hosmer	Kelly 27	Kelly 36	Lowe
Merideth	Monaco	Murphy	Rizzo	Scheve
Skaggs	Walton	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 076

Ballard	Barnett	Barry 100	Bartle	Bearden
Behnen	Berkowitz	Berkstresser	Black	Boatright
Bowman	Burcham	Burton	Byrd	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Dempsey	Enz	Fares	Farnen	Froelker
Gaskill	Gratz	Green 15	Griesheimer	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hohulin
Holt	Hoppe	Hunter	Jetton	Kelley 47
King	Legan	Levin	Linton	Luetkemeyer
Luetkenhaus	May 149	Mayer	Miller	Moore
Myers	Nordwald	Ostmann	Phillips	Portwood
Purgason	Ransdall	Rector	Reinhart	Reynolds
Richardson	Ridgeway	Roark	Robirds	Ross
Scott	Seigfreid	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Villa
Vogel				

PRESENT: 000

ABSENT WITH LEAVE: 052

Abel	Baker	Bartelsmeyer	Bland	Boykins
Brooks	Carnahan	Champion	Cierpiot	Coleman
Curls	Dolan	Foley	Ford	Franklin
Green 73	Hampton	Hanaway	Harlan	Hickey
Hilgemann	Johnson 61	Johnson 90	Jolly	Kelly 144
Kennedy	Koller	Lawson	Liese	Lograsso
Long	Marble	Marsh	Mays 50	McKenna
Naeger	O'Connor	O'Toole	Overschmidt	Reid
Relford	Schwab	Secrest	Selby	Shelton
Shields	Shoemyer	Van Zandt	Wagner	Ward
Wiggins	Wright			

VACANCIES: 003

Representative Villa offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 82, Section 204.640, Lines 8 to 11 of said page, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Scheve assumed the Chair.

On motion of Representative Villa, **House Amendment No. 10** was adopted.

Representative Ridgeway offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 2, Section A, Line 11, by inserting after all of said line the following:

"64.342. 1. Section 64.341 to the contrary notwithstanding, the county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing part of a city with a population over three hundred fifty thousand is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands or marinas within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area. **No such lease or concession grant shall be for a longer term than twenty-five years.**

2. Such concession stands or marinas may offer refreshments for sale to the public using such areas and services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe.

3. All moneys derived from the operation of concession stands or marinas shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. The provisions of this section authorizing and extending authority to counties concerning marinas shall not apply to any privately operated marina in operation prior to August 28, 2000, **except that if an operator is in default or if no bids are received during the open bid period, then the county may operate such marina for a period not to exceed a cumulative total of twenty-four months.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Ridgeway, **House Amendment No. 11** was adopted.

Representative Luetkenhaus offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 72, Section 135.530, Line 16, by inserting after all of said line the following:

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

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Director", the director of the department of public safety;

(3) "Sexual violence crisis service center", a nonprofit organization having a primary function of serving sexual violence victims, or running a discrete, separate program that serves sexual violence victims, or two or more nonprofit organizations operating under a formal arrangement to provide sexual violence services to victims of rape, sexual assault and sexual abuse, their significant others, secondary victims and the community.

For purposes of this section, eligible services of a sexual violence crisis service center, include, but shall not be limited to, the operation of a twenty-four-hour crisis hotline promoted as a service for sexual violence victims and the provision of information, referrals, medical and justice system advocacy, crisis intervention and support

groups at no charge and community education and prevention education;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, an insurance company paying an annual tax on its gross premium receipts in this state or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a sexual violence crisis service center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a sexual violence crisis service center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which organizations and programs in this state may be classified as sexual violence crisis service centers. The director may require an organization or program seeking to be classified as a sexual violence crisis service center to submit any information which is reasonably necessary to make such a determination. The director shall classify an organization or program as a sexual violence crisis service center if such organization or program meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if an organization or program has been classified as a sexual violence crisis service center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Sexual violence crisis service centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to sexual violence crisis service centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all organizations and programs classified as sexual violence crisis service centers. If a sexual violence crisis service center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those sexual violence crisis service centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each sexual violence crisis service center shall provide information to the director concerning the identity of each taxpayer making a contribution to the sexual violence crisis service center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

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

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
 - (2) "Director", the director of the department of social services;
 - (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;
 - (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, an insurance company paying an annual tax on its gross premium receipts in this state or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;
 - (5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:
 - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
 - (b) Where childbirths are not performed; and
 - (c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and
 - (d) Which provides direct client services, as opposed to merely providing counseling or referral services by telephone; and
 - (e) Which provides its services at no cost; and
 - (f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.
2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.
3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.
4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.
5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require a facility seeking to be classified as an unplanned pregnancy resource center to submit any information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.
6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.
7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those

unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.631. The tax credits available pursuant to sections 135.552 and 135.630 shall not be available in any tax year beginning after December 31, 2006, but any tax credit claimed pursuant to section 135.552 or 135.630 prior to that date may be carried forward as otherwise provided by those sections.”; and

Further amend said bill, Page 119, Section 447.700, Line 10, by inserting after all of said line the following:

"[620.1400. Sections 620.1400 to 620.1460 shall be known and may be cited as the "Missouri Individual Training Account Program Act" and its provisions shall be effective only within distressed communities as defined by section 135.530, RSMo.]

[620.1420. As used in sections 620.1400 to 620.1460, the following terms mean:

(1) "Costs of classroom training", the normal costs incurred in the provision of classroom training which may also include specifically identified costs incurred for instructors, classroom space and facilities, administrative support services, and directly related expenses, that together do not exceed the amount normally allowed for support of vocational and technical classes;

(2) "Department", the department of economic development;

(3) "Employee", a full-time or part-time employed worker whose salary is equal to or less than two hundred percent of the federal poverty level;

(4) "Employee upgrade training", the progressive development of skills associated with the defined set of work processes. Such training shall be consistent with a career pattern of advancement, as measured by skill proficiency and the progressive earnings and related benefits, that are recognized within an occupation, trade or industry;

(5) "Individual training account", an account funded by the tax credits provided for in section 620.1440 for the provision of employee upgrade training to employees through their participation in classroom training provided by educational institutions;

(6) "Local educational institution", a publicly funded or privately funded local educational institution which is certified by a recognized accrediting association as capable of providing adequate classroom training to accomplish the purpose of sections 620.1400 to 620.1460.]

[620.1430. 1. A Missouri employer who desires to participate in the individual training account program shall provide the department of economic development with notification of intent to participate. The notification shall include, but need not be limited to, the names and occupations of employees whom the employer has selected to be trained, whether or not the employees are currently working for the employer, the name of the local educational institution that will provide the training, and a brief description of the training to be given by the institution.

2. The employer shall have complete discretion in the selection of the local educational institution or institutions to provide training and shall be responsible for the payment of the costs of classroom training.]

[620.1440. 1. Employers may be reimbursed for the costs of training provided pursuant to the provisions of the individual training account program. Such reimbursement shall be in the form of tax credits as authorized in subsection 2 of this section. The tax credits may be claimed for courses provided in no more than two calendar years for each employee. For each year, the maximum amount of credit per employee which can be certified by the department of economic development shall be the lesser of fifty percent of the costs of classroom training or one thousand five hundred dollars.

2. Tax credits may be claimed against any liability incurred by the employer pursuant to the provisions of chapter 143, RSMo, and chapter 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided

for in sections 143.191 to 143.265, RSMo. Earned tax credits may be carried forward for a period not to exceed five years and may be sold or transferred.

3. No claim for tax credits submitted to the department by an employer shall be certified until the employer provides documentation that an employee has successfully completed the employee's course training and has been employed by the employer in a new, full-time position for a period of at least three months. It must be demonstrated satisfactorily to the department that the new position in which the employee located is an upgrade in employment, in terms of salary and responsibilities, from the previously held position. All such increases in salary shall be in addition to normal cost-of-living increases provided for in authorized labor-management contracts. If the employee was previously employed in a part-time position, the base salary for the position shall be calculated as if it were a full-time position.]

[620.1450. The maximum amount of tax credits allowable pursuant to the provisions of the individual training account program shall not annually exceed six million dollars.]" and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Luetkenhaus, **House Amendment No. 12** was adopted.

Representative Byrd offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 59, Line 22, by adding the following new section:

"137.181. In all appeals allowed in Section 137.180, the burden of proof as to the increase in value shall be on the assessor."; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Byrd, **House Amendment No. 13** was adopted.

Representative Gambaro offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Pages 114 to 119, Section 447.700, Lines 17 to 24 on Page 114, Lines 1 to 24 on Page 115, Lines 1 to 24 on Page 116, Lines 1 to 24 on Page 117, Lines 1 to 24 on Page 118, and Lines 1 to 10 on Page 119, by deleting all of said lines and inserting in lieu thereof the following:

"447.700. As used in sections 447.700 to 447.718, the following terms mean:

(1) "Abandoned property", real property previously used for, or which has the potential to be used for, commercial or industrial purposes which reverted to the ownership of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure; or a privately owned property endorsed by the city, or county if the property is not in a city, for inclusion in the program which will be transferred to a person other than the potentially responsible party as defined in chapter 260, RSMo, and has been vacant for a period of not less than three years from the time an application is made to the department of economic development;

(2) "Allowable cost", all or part of the costs of project facilities, including the costs of acquiring the property, relocating any remaining occupants, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping or furnishing project facilities, demolition, site clearance and preparation, **backfill**, supplementing and relocating public capital improvements or utility facilities, designs, plans, specifications, surveys, studies and estimates

of costs, expenses necessary or incident to determining the feasibility or practicability of assisting an eligible project or providing project facilities, architectural, engineering and legal service fees and expenses, the costs of conducting any other activities as part of a voluntary remediation and such other expenses as may be necessary or incidental to the establishment or development of an eligible project and reimbursement of moneys advanced or applied by any governmental agency or other person for allowable costs. **Allowable costs shall also include the demolition and reconstruction of any building or structure which is not the object of remediation as defined in section 260.565, RSMo, but which is located on the site of an abandoned or underutilized property approved for financial assistance pursuant to sections 447.702 to 447.708, provided that any such demolition is contained in a redevelopment plan approved by the director of the department of economic development and the municipal or county government having jurisdiction in the area in which the project is located;**

(3) "Applicant", the person that submits an application for consideration of a project or location or real property for financial, tax credit or other assistance pursuant to sections 447.700 to 447.718; an applicant may not be any party who intentionally or negligently caused the release or potential release of hazardous substances at the eligible project as that term is defined pursuant to chapter 260, RSMo;

(4) "Eligible project", abandoned or underutilized property to be acquired, established, expanded, remodeled, rehabilitated or modernized for industry, commerce, distribution or research, or any combination thereof, the operation of which, alone or in conjunction with other facilities, will create new jobs or preserve existing jobs and employment opportunities, attract new businesses to the state, prevent existing businesses from leaving the state and improve the economic welfare of the people of the state. The term "eligible project", without limitation, includes voluntary remediation conducted pursuant to sections 260.565 to 260.575, RSMo. To be an "eligible project" pursuant to sections 447.700 to 447.718, the obligations of the prospective applicant and the governmental agency shall be defined in a written agreement signed by both parties. The facility, when completed, shall be operated in compliance with applicable federal, state and local environmental statutes, regulations and ordinances. An "eligible project" shall be determined by consideration of the entire project. The definition or identification of an "eligible project" shall not be segmented into parts to separate commercial and industrial uses from residential uses. **Any property immediately adjacent to any abandoned or underutilized property may also be an "eligible project" pursuant to section 447.700 to 447.718, provided that the abandoned or underutilized property otherwise meets the qualifications of this subdivision;**

(5) "Financial assistance", direct loans, loan guarantees, and grants pursuant to sections 447.702 to 447.706; and tax credits, inducements and abatements pursuant to section 447.708;

(6) "Governmental action", any action by a state, county or municipal agency relating to the establishment, development or operation of an eligible project and project facilities that the governmental agency has authority to take or provide for the purpose under law, charter or ordinance, including but not limited to, actions relating to contracts and agreements, zoning, building, permits, acquisition and disposition of property, public capital improvements, utility and transportation service, taxation, employee recruitment and training, and liaison and coordination with and among governmental agencies;

(7) "Governmental agency", the state, county and municipality and any department, division, commission, agency, institution or authority, including a municipal corporation, township, and any agency thereof and any other political subdivision or public corporation; the United States or any agency thereof; any agency, commission or authority established pursuant to an interstate compact or agreement and any combination of the above;

(8) "Person", any individual, firm, partnership, association, limited liability company, corporation or governmental agency, and any combination thereof;

(9) "Project facilities", buildings, structures and other improvements and equipment and other property or fixtures, excluding small tools, supplies and inventory, and public capital improvements;

(10) "Public capital improvements", capital improvements or facilities owned by a governmental agency and which such agency has authority to acquire, pay the costs of, maintain, relocate or operate, or to contract with other persons to have the same done, including but not limited to, highways, roads, streets, electrical, gas, water and sewer facilities, railroad and other transportation facilities, and air and water pollution control and solid waste disposal facilities;

(11) "Underutilized", real property of which less than thirty-five percent of the commercially usable space of the property and improvements thereon, are used for their most commercially profitable and economically productive use; or property that was used by the state of Missouri as a correctional center for a period of at least one hundred years and which requires environmental remediation before redevelopment can occur, if approval from the general assembly has been given for any improvements to, or remediation, lease or sale of, said property;

(12) "Voluntary remediation", an action to remediate hazardous substances and hazardous waste pursuant to sections 260.565 to 260.575, RSMo.

447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150, RSMo, and sections 135.200 to [135.256] **135.257**, RSMo. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax otherwise imposed by chapter 147, RSMo, or the tax otherwise imposed by chapter 148, RSMo. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220, RSMo, and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225, RSMo, are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is "a person difficult to employ" as defined by section 135.240, RSMo, and investment tax credits at the same amounts and levels as provided in subdivision (4) of **subsection 1** of section 135.225, RSMo;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245, RSMo, for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471, RSMo, who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, "related taxpayer" has the same meaning as defined in subdivision (9) of section 135.100, RSMo;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the

end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100, RSMo, which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section, shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, in addition to the tax credits allowed in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition [and], asbestos abatement, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575, RSMo.

(2) The director of the department of economic development, with the approval of the director of the department of natural resources, shall, in addition to the tax credits otherwise allowed in this section, grant a demolition tax credit to the applicant for up to one hundred percent of the costs of demolition that are not part of the voluntary remediation activities, provided that the demolition is either on the property where the voluntary remediation activities are occurring or on any adjacent property, and that the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development.

(3) The amount of remediation **and demolition** tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(4) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax otherwise imposed by chapter 147, RSMo, or the tax otherwise imposed by chapter 148, RSMo. The remediation **and demolition** tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(5) The project facility [is] **shall be** projected to create at least ten new jobs or at least twenty-five retained jobs,

or a combination thereof, as determined by the department of economic development, **to be eligible for tax credits pursuant to this section.**

(6) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a "Letter of Completion" letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 to 6 of section 135.250, RSMo. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, RSMo, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, RSMo, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

(1) That portion of the taxpayer's income attributed to the eligible project; or

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225, RSMo, and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100, RSMo. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100, RSMo.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section, to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective,

the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471, RSMo, or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471, RSMo;
- (2) The partners of the partnership.

The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Gambaro, **House Amendment No. 14** was adopted.

Representative Ostmann offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 36, Section 81.265, Lines 14 to 20, by deleting all of said section; and

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

On motion of Representative Ostmann, **House Amendment No. 15** was adopted.

Representative Lowe offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 108, Section 250.236, Line 2, by inserting the following section:

"253.570. The Missouri general assembly shall, through appropriations as provided by law, participate in the funding of the TWA Flight 800 International Memorial in Smith Point Beach, New York, in an amount equal to one thousand dollars for each of the seven Missourians who died aboard TWA Flight 800 on July 17, 1996. Such funds shall be disbursed August 28, 2001, to the Families of Flight 800 Memorial Fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Lowe, **House Amendment No. 16** was adopted.

Representative Legan offered **House Amendment No. 17.**

House Amendment No. 17

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, by striking the following:

“unincorporated territory of the county, or to the unincorporated territory of the county as a whole.”; and

Further amend said bill by adding the following on Line 12: “**County.**”; and

Further amend said bill, Page 11, Line 2, by striking the word “unincorporated” and replacing it with the word “**affected**”; and

Further amend said bill, Page 11, Line 6, by striking the word “unincorporated” and replacing it with the word “**affected**”; and

Further amend said bill, Page 11, Line 10, by striking the word “unincorporated” and replacing it with the word “**affected**”.

On motion of Representative Legan, **House Amendment No. 17** was adopted.

Representative Williams offered **House Amendment No. 18.**

House Amendment No. 18

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 3, Section A, Line 1, by inserting after all of said line the following:

"26.730. 1. There is hereby established within the office of the lieutenant governor a "Missouri Multicultural Center and Program", which shall serve as an all-purpose all-encompassing resource for local political subdivisions and government agencies, including but not limited to counties, municipalities, judicial circuits, law enforcement agencies, school districts, public health agencies or any other political subdivisions or local government agencies, state governmental agencies, nongovernmental community agencies, businesses, advocacy groups, immigrants, refugees and international tourists in this state. The center and program, as directed by the multicultural citizens' advisory committee, may develop outreach materials, in various formats, and shall serve as a communications link to direct persons to where materials are available, which describe the resources, opportunities, informational sites or other informational sources that the committee determines would be of assistance to the entities listed in this subsection. The materials and links described in this subsection shall, at minimum, be made available in electronic format, or in any other form the committee deems appropriate. The center and program may contract, subject to approval by the office of administration, for the provision of the information and services described in this subsection with any higher educational facility in the state or any other outside source it deems capable of adequately providing such services and information.

2. There is hereby established within the office of the lieutenant governor a "Multicultural Citizens' Advisory Committee", which shall develop and implement, or facilitate the development and implementation of, the program authorized pursuant to subsection 1 of this section. The committee shall consist of twenty-five members, to be appointed as follows:

(1) Five persons employed by state executive departments, one from each of the following five departments, to be designated by the director of the appropriate department: elementary and secondary education, social services, health, economic development and public safety;

- (2) Four members of the general assembly, as follows:
 - (a) Two members of the house of representatives appointed by the speaker of the house of representatives, one from each major political party; and
 - (b) Two members of the senate appointed by the president pro tem of the senate, one from each major political party;
 - (3) Fifteen citizens of this state who work directly with the multicultural population of this state, appointed by the lieutenant governor; and
 - (4) The lieutenant governor, who shall serve as an ex officio member of the committee.
3. The initial members of the committee shall be appointed between September 1, 2001, and December 31, 2001. Beginning January 1, 2002, all appointees shall become members of the committee, and the lieutenant governor shall cause the committee to meet no later than sixty days after that date. Upon the first meeting constituting a quorum of the committee, the committee shall select one of its members as chair. The chair shall serve as chair for two years, and the committee may reappoint the chair for an additional term or select a new chair at the expiration of such term. The committee shall meet on a regular basis until the program described in this section has been developed, and then the committee shall meet only as needed. The members of the committee shall serve four-year terms, except that the first term of the following members shall be for two years:
- (1) The members appointed by the department of economic development and the department of public safety;
 - (2) One member appointed by the speaker of the house of representatives and one member appointed by the president pro tem of the senate, as selected by the speaker and the president pro tem prior to the appointment of the committee member;
 - (3) Eight members appointed by the governor, as selected by the governor prior to the appointment of the committee member.
4. Vacancies on the committee shall be filled as soon as is practicable by the person charged with the appointment of the person who vacated the position. Members of the committee shall not be compensated for their duties as members, but shall receive reimbursement for all actual and necessary expenses incurred in the course of performing such duties, provided that the lieutenant governor shall not receive such expenses.
5. The committee shall submit to the lieutenant governor a list of three names, one of which the lieutenant governor shall employ as an executive director, who shall serve as the executive officer of the committee. As a priority, the director shall have a background and knowledge of the experiences and transition faced by individuals with multicultural backgrounds moving to Missouri and international tourists visiting in Missouri. The salary and office space for the executive director, as well as the expenses for committee hearings, shall be provided by the office of the lieutenant governor."; and

Further amend said bill, Page 130, Section 1, Line 10, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to provide full, meaningful and expedited access for immigrants and refugees to the public services of this state, section 26.730 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 26.730 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Williams, **House Amendment No. 18** was adopted.

Representative Hosmer offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 130, Line 10, by adding after said line the following:

“The state highway commission shall reduce the speed from 45 to 35 miles per hour on Highway 14 at the east city limit line of Ozark, Missouri to 10th Avenue.”.

On motion of Representative Hosmer, **House Amendment No. 19** was adopted.

Representative Hohulin offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 14, Section 64.205, Line 12, by inserting after all of said line the following:

“Section 1. Any device, other than a device located in a public building, that is not used by the general public shall be exempt from the provisions of sections 701.350 to 701.380.”; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hohulin, **House Amendment No. 20** was adopted.

Representative Campbell offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19 of said page, by inserting after all of said line the following:

"160.400. 1. A charter school is an independent, publicly supported school.

2. **Except as otherwise provided pursuant to this section**, charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants **or any school district containing territory formerly contained in any school district in which charter schools were authorized to be established pursuant to this section** and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district **or in a county containing all or a portion of the district** or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; or

(3) A community college located in the district.

3. [A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes.] **All buildings owned or controlled by a school district in which charter schools may be established pursuant to sections 160.400 to 160.420 and which buildings are not used by the district for their educational purposes or otherwise previously contractually obligated to another party shall be made available to charter schools in the district at a de minimis cost.**

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for here in shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter

school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. **There is hereby established a "Charter School Sponsor Oversight and Accountability Fund". The state treasurer shall, on the first business day of each fiscal year, transfer, from general revenue to the charter school sponsorship oversight and accountability fund, an amount equal to the sum of the number of charter schools which have an approved charter as of the date of the transfer multiplied by twenty-three thousand four hundred dollars, plus the sum of the number of students enrolled in each charter school established pursuant to sections 160.400 to 160.420 during the preceding school year multiplied by one-half of one percent of the per pupil operating revenue for the preceding year for the school district where each such charter school was located. The fund shall be subject to appropriation. The coordinating board of higher education shall establish, by rule, and administer a grant-based funding program for reimbursing costs of school districts and higher education institutions sponsoring charter schools pursuant to this section. Charter school sponsors may apply to the coordinating board each year, no later than August first, to receive a grant for each charter school which it sponsored the preceding year. The grant application shall meet the requirements established pursuant to this section. The amount of each annual grant for an approved application shall be equal to the sum of twenty-three thousand four hundred dollars, plus the number of students enrolled in the charter school during the preceding school year multiplied by one-half of one percent of the per pupil operating revenue for the preceding school year for the school district where the charter school was located. The grant shall be used for providing charter school sponsorship oversight and accountability functions related to the charter granted to the charter school. If the funding is insufficient in any year to fund all eligible, fundable grant applications, all grant awards shall be uniformly prorated until the total amount of grant awards matches the available funds. Any available funding in excess of the total of eligible, fundable grant applications shall be retained in the fund the following year and counted as current year transferred funds for the purpose of reducing the amount of the transfer authorized pursuant to this subsection.**

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. **No sponsor shall grant a charter pursuant to sections 160.400 to 160.420 without ensuring that a criminal background check and child abuse registry check are conducted for all members of the board of directors of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the board of directors of the charter school.**

12. **No member of the board of directors of a charter school shall hold any office or employment from the board or the charter school while a member of the board nor have any substantial interest, as defined pursuant to section 105.450, RSMo, in any entity employed by or contracting with the board.**

13. **A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420.**

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. **The proposed charter shall specify a proposed starting date which shall be no earlier than eleven months following the date the proposed charter is submitted.** If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located **and the state board of education, [when] within five business days of the date** the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the

charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;

- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; and

- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school.

2. Proposed charters shall be subject to the following requirements:

- (1) **A charter application shall be provided to a proposed sponsor no later than eleven months prior to the proposed starting date for the charter school to begin operation. Within five business days of receipt of the application, the proposed sponsor shall forward a copy of the charter application to the state board of education and to the school board of the district if the proposed sponsor is not a school board;**

- (2) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of **approval or denial** shall be made within [sixty] **ninety** days of the filing of the proposed charter;

- [(2)] (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial **and forward a copy to the state board of education within five business days following the denial;**

- [(3)] (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. **The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter and shall notify the applicant in writing as to the reasons for its denial, if applicable; [and]**

- [(4)] (5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless some time within the preceding six months, has limited English proficiency, has been suspended from school three or more times, **is eligible for free or reduced price school lunch**, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, it shall be submitted to the state board of education which may, within [forty-five] **sixty** days, disapprove the granting of the charter. The state board of education may disapprove a charter only on grounds that the application fails to meet the requirements of sections 160.400 to 160.420.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

- (1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;
- (2) Comply with laws and regulations of the state relating to health, safety, and minimum educational standards;
- (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

- (4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided pursuant to chapter 165, RSMo, provided that the annual financial report may be published via the Internet on**

the secretary of state's web site in lieu of other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, [participate in] **employ** the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members**, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program. Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide, in a timely fashion, all information necessary to confirm on-going compliance with all provisions of the charter and sections 160.400 to 160.420.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-five days following receipt of written notice requesting such information** or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be revoked. **The sponsor may require the remedial plan to provide for a change in methodology or leadership, or both.**

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's board of directors may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

8. A sponsor shall take all reasonable steps necessary to confirm each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] **10.** A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a

direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The board of directors of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided pursuant to sections 537.700 to 537.755, RSMo.

160.410. 1. A charter school shall enroll all pupils resident in the district in which it operates or eligible to attend a district's school under an urban voluntary transfer program who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school.

2. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

3. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

4. A charter school shall make available for public inspection, free of charge, and provide upon request, to the parent, guardian or other custodian of any school-age pupil resident in the district in which the school is located, the following information:

(1) **The school's charter; and**

(2) **The school's most recent annual report card published pursuant to section 160.522; and**

(3) **The results of background checks on the charter school's board members.**

The charter school may charge reasonable fees for furnishing copies of documents pursuant to this subsection.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district with in which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free or reduced-price lunch or other categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside and to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. (1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school plus all other state aid

attributable to such pupils, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(4) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following receipt of any such funds.

[(5) The per-pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.]

3. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to subsection 2 of this section, the amount of overpayment or underpayment shall be adjusted in its next payment by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.420. 1. **Any school district in which charter schools may be established pursuant to sections 160.400 to 160.420 shall establish a uniform policy which provides that** if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, [the contract between the charter school and the school district may provide that] an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. [A] **The district's policy shall provide that any teacher who accepts a position at a charter school and opts**

to remain an employee of the district retains such teacher's permanent teacher status and **retains such teacher's** seniority rights in the district **for three years**. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All noncertificated instructional personnel shall be supervised by certified instructional personnel. **A charter school may employ noncertificated administrative personnel and noncertificated principals and assistant principals.** The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Standards Board;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate; and
- (5) Level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. **For purposes of participating in the retirement system, the charter school shall be considered to be a public school within the school district and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.**

160.534. [For fiscal year 1996 and each subsequent fiscal year,] **1. Except as otherwise provided in subsection 2 of this section,** any amount of the excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the school district bond fund as provided in section 164.303, RSMo, shall be transferred to the state school moneys fund. Such moneys shall be transferred on a monthly basis and shall be distributed in the manner provided in section 163.031, RSMo.

2. Notwithstanding the provisions of section 313.321, RSMo, to the contrary, all revenue received by the Missouri lottery commission from the sale of Missouri lottery tickets and from all other sources, in excess of the total amount received in fiscal year 2001, and all excursion gaming boat proceeds received by the gaming commission in excess of the total amount received in fiscal year 2001, shall be transferred on a monthly basis as follows:

(1) For fiscal year 2003, twenty percent to the school building property tax relief fund established pursuant to section 166.300, RSMo, and eighty percent to the state school moneys fund;

(2) For fiscal year 2004, forty percent to the school building property tax relief fund and sixty percent to the state school moneys fund;

(3) For fiscal year 2005, sixty percent to the school building property tax relief fund and forty percent to the state school moneys fund;

(4) For fiscal year 2006, eighty percent to the school building property tax relief fund and twenty percent to the state school moneys fund; and

(5) For fiscal year 2007, one hundred percent to the school building property tax relief fund.

162.481. **1.** Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when

their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section**, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

164.303. There is hereby established in the state treasury the "School District Bond Fund". Such amounts as may be necessary to fund the annual requests submitted by the health and educational facilities authority to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions, but not to exceed seven million dollars per year, shall be transferred by appropriation to the fund from the gaming proceeds for education fund before any amounts in the gaming proceeds for education fund are transferred [to the state school moneys fund,] as provided in section 160.534, RSMo. Moneys deposited in the school district bond fund shall be used by the health and educational facilities authority, subject to appropriation, to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of each biennium.

166.300. 1. As used in this section, the following [words and phrases] **terms** shall mean:

(1) ["Capital improvement projects", expenditures for lands or existing buildings, improvements of grounds, construction of buildings, additions to buildings, remodeling of buildings and initial equipment purchases;

(2) **"New construction", either the construction of a new building or the addition of a newly constructed area to an existing building, including expenditures for lands or existing buildings, architectural and engineering services, tests and inspections of lands or buildings, construction of buildings, additions to buildings and technology connectivity;**

(2) **"Renovation", the modernization or modification of any existing building that will enhance the ability of such building to serve its educational purposes, excluding routine maintenance and repair, and including renovation expenditures for health and safety reasons, educational purposes, architectural and engineering services, tests and inspections of lands or buildings, renovations of existing buildings and technology connectivity;**

(3) "School [facility] **building**", a structure dedicated primarily to housing teachers and students in the instructional process, but shall not include [buildings] **facilities** dedicated primarily to administrative and support functions within the school **or the school district**.

2. There is hereby created a [revolving] fund to be known as the "School Building [Revolving] **Property Tax Relief Fund**". All forfeitures of assets transferred pursuant to section 166.131, all gifts and bequests to such fund, **all moneys transferred to such fund pursuant to section 160.534, RSMo**, and such moneys as may be appropriated to the fund shall be deposited into the school building [revolving] **property tax relief fund**[; except that no more than four hundred forty million dollars, in the aggregate, shall be transferred to the fund]. **The fund shall be administered by the department of elementary and secondary education in the manner described in, and for the purposes described in, sections 166.300 to 166.324.**

3. After a fund balance has been established by prior years' deposits and interest, school districts may submit

applications for [lease purchases] **matching grants** from the [revolving] fund for [specific] **allowed capital improvement** projects consistent with rules and regulations of the state board of education and [subsection 3 of] this section[, except that]. **The department shall divide its annual disbursements of matching grant moneys from the fund in equal, fifty percent portions to new construction projects and to renovation projects, and shall approve and prioritize applications accordingly, pursuant to this section. School districts may apply for both new construction and renovation grants in the same application, provided that new construction costs and renovation costs are separately itemized on such district's application, so that each may be separately approved or denied by the department. If, at the conclusion of the matching grant application period, there are funds available for either new construction or renovation that will not be used, and if there is a greater need for funds for the other category, then the department may transfer funds to the category with greater need at that time.**

4. No school district may be permitted to [enter into a lease purchase] **receive matching funds** from the school building [revolving] **property tax relief** fund without first submitting a long-range capital improvements plan. **Such plan shall include a detailed proposal of the specific allowed capital improvement projects to which grant moneys will be put, and shall include the specific manner in which the school district will provide for its matching portion, as such matching portion is calculated pursuant to section 166.305. Such plan shall also calculate the estimated amount of the state's portion of the matching funds, provided that the department shall not provide a match of funds for any costs of a project in excess of the maximum per-pupil amount described in section 166.308. Anticipated district expenditures on projects may exceed the maximum per-pupil amount, but in such case the state portion of matching funds shall be calculated solely on the maximum per-pupil amount stated in section 166.308. The department shall review and approve such plan prior to issuing matching grants.**

[3.] 5. To be eligible for [a lease purchase authorized by this section] **matching funds pursuant to sections 166.300 to 166.324:**

(1) A school district shall meet the minimum criteria for state aid and for increases in state aid established pursuant to section 163.021, RSMo;

(2) A school district shall provide a program which is accredited by the state board of education for grades kindergarten through twelve or for grades kindergarten through eight; and

(3) A school district shall [have an equalized, assessed valuation per eligible pupil for the preceding year which is less than the statewide average equalized, assessed valuation per eligible pupil for the preceding year; and

(4) A school district shall have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri.

4. Lease purchase] **not be experiencing financial stress as defined in section 161.520, RSMo.**

6. **The department of elementary and secondary education shall develop minimum state school building standards that may be used as criteria to determine if the district qualifies for a new construction project. The minimum state school building standards shall be met by any new construction project in order to qualify for matching grant approval by the department.**

7. **Matching grant applications for new construction** shall be funded, as funds allow, first for all applications pursuant to subdivision (1) of this subsection [and], then for applications pursuant to subdivision (2) of this subsection and then for applications pursuant to **each successive** subdivision [(3)] of this subsection **thereafter**, and for funding of applications pursuant to a particular subdivision, applications shall be funded in the order that the applications are received by the department. If two or more applications are received on the same day, the district with the lowest [appraised] **assessed** valuation per pupil shall be given priority. Ranking of the applications for offering of [lease purchases] **matching grants for new construction** shall be done in the following order:

(1) Districts with [capital replacement] **new construction** costs in excess of insurance proceeds due to [facility] **school building** destruction caused by [fire or] natural **or man-made** disaster [shall be ranked on the basis of percentage of bonding capacity];

(2) Districts with a cumulative percentage growth in fall membership for the [third through the fifth] **three** preceding years in excess of twelve percent [and which have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri; and];

(3) [Districts with an equalized assessed valuation per pupil which is less than the statewide average equalized assessed valuation per pupil and which have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri.] **Districts with a cumulative percentage growth in fall membership for the three preceding years in excess of nine percent;**

(4) Districts with a cumulative percentage growth in fall membership for the three preceding years in excess of six percent;

(5) Districts that are experiencing overcrowding but do not have the percentages of required new growth described in subdivisions (1) to (4) of this subsection shall qualify pursuant to subdivisions (1) to (4) of this subsection based on the same percentage of need as do districts with new growth based on the method of calculation developed by the department to determine this percentage of need for districts with overcrowding; and

(6) Districts for which new school buildings, or additions to existing school buildings, are needed in order to provide for:

- (a) All-day kindergarten;
- (b) Educational technology;
- (c) Inter-district reorganization;
- (d) Intra-district reorganization; or
- (e) Increased student safety or student health.

8. The department shall develop minimum state school building standards that may be used as criteria to determine if a district qualifies for a renovation project. The minimum state school building standards shall be met by any renovation project in order to qualify for matching grant approval by the department.

9. Matching grant applications for renovations shall be funded, as funds allow, for all applications pursuant to subdivision (1) of subsection 10 of this section, then, with the remaining renovation funds, eighty percent of the funds shall be used on applications pursuant to subdivision (2) of subsection 10 of this section and twenty percent of the funds shall be used on applications pursuant to subdivision (3) of subsection 10 of this section. If, at the conclusion of the application period, there are funds available from either the allocation to subdivision (2) or to subdivision (3) of subsection 10 of this section, and if there is a greater need that can be met by transferring the remainder of the unused allocation to the allocation of the other subdivision, then the department may transfer funds to the allocation of the subdivision with the greater need.

10. For purposes of this subsection, the age of the original building for which the renovation grant is being sought shall be considered the age of the entire school building in question, regardless of subsequent renovations prior to the grant application. Ranking of the applications for offering of matching grants for renovation shall be done in the following order:

(1) Districts with renovation costs in excess of insurance proceeds due to school building destruction caused by natural or man-made disaster. Applications in this subdivision shall be funded in the order that the applications are received by the department. If two or more applications are received on the same day, the district with the lowest assessed valuation per pupil shall be given priority;

(2) School facilities that are thirty-five years old or older, ranked from oldest to newest. If a renovation project is for a school building that is on the National Register of Historic Places, or a similar historic buildings criteria which the state board of education may promulgate by rule, then the project will be ranked ahead of renovation projects for school buildings not so designated. If two or more buildings are the same age, the applications shall be funded in the order that the applications are received by the department. If two or more applications are received on the same day, the district with the lowest assessed valuation per pupil shall be given priority; and

(3) Buildings that are less than thirty-five years of age shall be ranked according to need, with the criteria for need developed by the department.

If a school district can demonstrate that a building that is fifty years old or older should be replaced instead of renovated, the replacement may be approved by the department with funding from renovation projects for buildings thirty-five years of age or older pursuant to subdivision (2) of this subsection. In order to approve a building replacement in lieu of renovation, the department may consider health and safety issues, a comparison of replacement or renovation costs, future energy savings or other criteria developed by the department. It shall be the school district's responsibility to present information to the department, on department developed forms or format, to demonstrate the need for the building replacement.

11. Each district that:

- (1) Receives approval of its grant application pursuant to subsections 3 and 4 of this section;
- (2) Is eligible pursuant to subsection 5 of this section; and
- (3) Qualifies, pursuant to the funding priorities and availabilities of subsections 6 to 10 of this section, for

funding; shall receive notification from the department within thirty days of its approval, and the district shall obtain its portion of the matching funds mandated by section 166.305 within one year of the date of its receipt of the notification. Upon obtaining the required matching funds, the district shall submit notification to the department, for approval by the department on forms created by the department. Such notification shall be given within thirty days of obtaining the funds, or as soon as possible prior to the end of the one-year period, whichever occurs first. In the event that the district fails to obtain all of its portion of the matching funds within the one-year period, the district shall forfeit its right to any state matching funds for the school year immediately following such failure, but the district shall not be prohibited from resubmitting its application for the school year next following such occurrence. Any district receiving a renovation matching grant shall not be eligible for another matching grant in any year unless all applications qualifying pursuant to this section for that year from districts which have not yet received a grant pursuant to this section are funded.

[5.] 12. When school building replacement or renovation is caused by [fire or] natural or man-made disaster, the requirement for a school district to have a long-range capital improvements plan, as required by subsection 4 of this section, may be waived by the [state board of education] department of elementary and secondary education.

[6. Each school district participating in a lease purchase from the school building revolving fund shall repay such lease purchase in no more than ten annual payments made on or before June thirtieth of each year. The first such payment shall be due and payable on June thirtieth of the first full fiscal year following receipt of lease purchase proceeds. Lease purchase repayments shall be immediately deposited to the school building revolving fund by the department. Interest charged to the school district shall not exceed three percent.

7. Any school district which fails to obligate the full amount of a loan from the school building revolving fund for the allowable lease purchase must return the unobligated amount plus interest earned to the department no later than June thirtieth of the second full fiscal year after receipt of loan proceeds.

8. If a school district fails to make an annual payment to the school building revolving fund after notice of nonpayment by the department, members of the board of education and the school district's superintendent shall have violated section 162.091, RSMo, and the attorney general of the state of Missouri shall be notified by the state board of education to begin prosecution procedures.

9. All property purchased pursuant to a lease purchase from the school building revolving fund shall remain the property of the state until such time as the lease purchase has been fully repaid pursuant to this section. If a school district does not make an annual payment to the school building revolving fund after notice of nonpayment by the department, the state board of education may, if the delinquency exceeds one hundred eighty days, take possession of the property. As a part of the lease purchase agreement, the school district shall agree to assume all costs, obligations and liabilities for or arising out of establishment, operation and maintenance of the lease purchase property. Other provisions of law to the contrary notwithstanding, neither the state nor any state agency shall have any obligation for such costs, obligations or liabilities unless and until the state board of education takes possession of the property pursuant to this subsection upon a school district's failure to make annual payments as required in the lease purchase agreement.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the school building revolving fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All yield, interest, income, increment or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited by the state treasurer to the fund.]

13. The department shall be responsible for the publication of grant applications that incorporate the criteria of this section and any additional criteria in accordance with this section that the department deems appropriate. Such applications shall be first published on or before January 1, 2002, so that the initial applications for such grants may be acted upon for the 2002-2003 school year.

14. State funds provided pursuant to this section shall not be used for lease purchases.

166.301. All moneys in the school building revolving fund that existed prior to August 28, 2001, and which is hereby abolished, shall be transferred to the school building property tax relief fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the school building property tax relief fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All yield, interest, income, increment or gain received from time deposits of moneys in the state treasury to the credit of the former school building revolving fund shall be credited by the state treasurer to the property tax relief fund.

166.305. For the purpose of calculating the matching portion for which a school district is responsible pursuant to section 166.300, each school district in this state shall be assigned a local matching percentage pursuant to this section. All school districts in the state shall be rank ordered from lowest to highest based upon

the district's equalized, assessed valuation per eligible pupil for the second preceding school year. Each district will be assigned a unique percentage on a sliding scale which assigns a local match percentage of fifty percent to the lowest ranked district and a local match percentage of seventy-five percent to the highest ranked district and assigns a unique percentage to all remaining districts by assigning to districts percentages which are uniformly spaced across the interval from fifty percent to seventy-five percent and based upon the rank ordering.

For a renovation project of a school building on the National Register of Historic Places, or a similar historic buildings criteria which the state board of education may promulgate by rule, the local match percentage will be reduced by five percent.

166.308. 1. For new construction project grant applications pursuant to section 166.300, the department shall match funds with the applicant district up to the following maximum per-pupil state match amounts for new construction costs:

- (1) Eight thousand dollars per high school student that the project is designed to house;
- (2) Seven thousand dollars per middle school student that the project is designed to house; and
- (3) Six thousand dollars per elementary school student that the project is designed to house.

2. For renovation project grant applications pursuant to section 166.300, the department shall match funds with the applicant district up to the following maximum per-pupil state match amounts for total renovation costs:

- (1) Five thousand six hundred dollars per high school student to be housed in the renovated school facility or facilities; and
- (2) Four thousand nine hundred dollars per middle school student to be housed in the renovated school facility or facilities; and
- (3) Four thousand two hundred dollars per elementary school student to be housed in the renovated school facility or facilities.

3. The department shall annually adjust the per-pupil apportionment in this section to reflect construction cost changes. For this purpose, the department may adopt the use of the Consumer Price Index for all Urban Consumers for the United States or its successor index, as defined and officially recorded by the United States Department of Labor or its successor entity or may adopt any other schedule of annual adjustment to accurately reflect such cost changes.

166.311. Moneys in the school building property tax relief fund shall be distributed between the first and fifteenth day of July most immediately following the date on which the department receives notification from an approved school district that such district has obtained its portion of the required matching funds pursuant to section 166.300. The state board of education shall certify the amounts to be distributed to the several school districts to the commissioner of administration who shall issue the warrants therefor. The funds shall be placed to the credit of the capital projects fund by the receiving school district in the amount approved pursuant to sections 166.300 to 166.308. Such moneys shall be used by such district solely for the capital construction or renovation project for which grant approval was awarded and shall not be used to retire debt.

166.314. 1. If any completed allowed project costs more than the estimated final cost submitted to the department by the district, then the district shall be responsible for all of such additional costs.

2. If any completed allowed project costs less than the estimated final cost submitted to the department by the district, then the district shall return the department's percentage of such excess funds, and the department shall deposit such funds in the school building construction and renovation fund established in section 166.300.

3. Upon completion of any project for which funds were granted pursuant to sections 166.300 to 166.324, the school district shall submit a final report to the department. The department may require an audit of these reports or other district records to ensure that all funds received pursuant to sections 166.300 to 166.324 are expended in accordance with program requirements.

4. If the department, after the review of expenditures or audit has been conducted pursuant to this section, determines that a school district failed to expend funds in accordance with this chapter, the department shall notify the school district of the amount that must be repaid to the department within sixty days. If the school district fails to make the required payment within sixty days, the department shall notify the school board and the school district in writing that an amount equal to the unused amount received by the school district shall be withdrawn from such school district's total amount of state aid calculated pursuant to chapter 163, RSMo, for certain subsequent school years, according to a withholding schedule developed by the department for such district.

166.317. The use of state matching grant moneys by a school district shall not make the department or this state liable for any tort, breach of contract or any other action for damages caused by a school district arising from an approved new construction or renovation project by the district, including, but not limited to, contracts between the school district and its construction contractors, construction managers, architects or engineers. The school district shall be liable for all torts, breaches of contract or any other actions for damages caused by the school district.

166.321. 1. All title to all property acquired, constructed or improved with grant moneys pursuant to sections 166.300 to 166.324 shall be held by the school district to which the department grants such moneys.

2. The applicant school district shall comply with all laws and rules pertaining to the construction, reconstruction or alteration of, or addition to, school buildings.

166.324. The department of elementary and secondary education shall promulgate such rules and forms as are necessary for the operation of sections 166.300 to 166.324. No rule or portion of a rule promulgated pursuant to sections 166.300 to 166.324 shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.

167.349. In any school district to which any provisions of sections 167.340 to 167.346 apply and in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university which provides educational programs to any part of such district and any campus of the state university located in a county of the third classification may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Curls raised a point of order that **House Amendment No. 21** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Campbell, **House Amendment No. 21** was adopted.

Representative Hanaway offered **House Amendment No. 22.**

House Amendment No. 22

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 3, Section A, Line 1 of said page, by inserting after all of said line the following:

"32.375. 1. Notwithstanding any provision of law to the contrary, in any dispute regarding the potential liability of a taxpayer for collection and remittance or payment of sales or use tax or related interest, additions to tax or penalties, the director of revenue may, at the request of the taxpayer, consider the reasons for the taxpayer's failure to pay the amounts in dispute.

2. The director may abate all or any portion of any amount assessed or decide to not assess any such amount pursuant to this section if the director determines:

- (1) The taxpayer took reasonable steps to determine whether the amounts were owed;**
- (2) Based on information reasonably available to the taxpayer, the taxpayer reasonably believed that the transactions at issue were not subject to tax and that the amounts in dispute were not owed;**
- (3) At the time of the transactions at issue, the department of revenue had not issued either:**
 - (a) A regulation that indicated that the transactions at issue were subject to tax; or**
 - (b) Any other written or oral communication that the taxpayer knew of or should have known of stating that the transactions at issue were subject to tax; and**

(4) In the discretion of the director, such abatement is in the best interest of the state and will not undermine compliance by taxpayers with the tax laws of this state.

3. If the director determines that any amounts may be abated pursuant to this section, as consideration for the abatement, the taxpayer shall agree that:

- (1) The taxpayer shall bear his or her own costs, including any attorney fees;
- (2) During the three year period beginning with the date of the agreement, the taxpayer shall comply with all sales and use tax obligations arising from the type of transactions that were the basis of the amounts that are the subject of the agreement and the taxpayer shall not challenge or protest any such sales or use tax obligations arising during the three year period; except that any final decision of a court of competent jurisdiction finding such transactions to be nontaxable and any statutory changes that become effective during the three year period shall apply to the taxpayer notwithstanding any provision of the agreement; and

(3) The taxpayer shall not contest in court or otherwise any amount of the liability sought to be abated.

4. If due to a disagreement concerning the amount to be abated the taxpayer does not agree to the terms provided by subsection 3 of this section or if the director determines the amounts in dispute should not be abated, the director shall issue a final decision setting forth the director's determination. Within sixty days after the date on which the director's decision is delivered in person or is mailed to the taxpayer, whichever is earlier, the taxpayer may file a petition for review of the final decision with the administrative hearing commission.

5. On petition for review before the administrative hearing commission, the commission shall consider whether the director's determination was reasonable based on the factors set forth in subsection 2 of this section. The commission may:

(1) Issue an order to the director stating an amount to be abated by the director, if the commission finds the director's decision unreasonable; or

(2) Issue an order denying the relief sought by the taxpayer, if the commission finds the director's determination reasonable.

6. The provisions of subsection 3 of this section shall apply to any abatement ordered by the commission.

7. A decision of the administrative hearing commission pursuant to this section shall not be subject to appeal or petition for review by the taxpayer or the director.

32.378. 1. In addition to the authority granted to the director of revenue and the administrative hearing commission pursuant to section 32.375, the director of revenue may agree to compromise any tax, interest, penalties or additions to tax assessed or collected by the director of revenue on any of the following grounds:

(1) Doubt as to liability, which exists in any case where there is a genuine dispute as to the existence or amount of the correct tax liability under the law;

(2) Doubt as to collectibility, which exists in any case where the amount assessed including interest, additions to tax and penalties exceeds the taxpayer's ability to pay as defined by regulations promulgated by the director of revenue; or

(3) To promote effective tax administration which means that compromise of the liability will not undermine compliance by taxpayers with the tax laws and that:

- (a) Collection of the full liability will result in severe economic hardship to the taxpayer; or
- (b) Regardless of the taxpayer's financial circumstances, exceptional circumstances exist such that collection of the full liability will be detrimental to voluntary compliance by taxpayers. Such exceptional circumstances include, but are not limited to, instances where the taxpayer's failure to pay the taxes assessed is the result of circumstances beyond the reasonable control of the taxpayer and is not the result of negligence on the part of the taxpayer, or instances where a reasonable person would not have expected the assessment based on previous policy of the department of revenue or information provided to the taxpayer by the department of revenue.

2. As part of the consideration for any compromise of taxes that is based on subdivisions (2) or (3) of subsection 1 of this section, the taxpayer shall agree:

(1) That the state of Missouri shall keep all payments and other credits applied to the tax, interest, penalties or additions to tax for the periods covered by the offer;

(2) That the state of Missouri shall keep any and all amounts otherwise due the taxpayer as a result of overpayments of any tax or other liability, including interest, additions to tax and penalties, for periods ending before or as of the end of the calendar year in which the offer is accepted; except that the state shall not keep any amounts that, together with amounts already paid on the compromise exceed the liability compromised;

(3) That the taxpayer shall have no right to contest in court or otherwise the amount of the liability compromised;

(4) That the taxpayer shall bear his or her own costs, including any attorney fees;

(5) That during the three year period beginning with the date of the compromise, the taxpayer shall comply with all tax obligations arising from issues or transactions related to the issues or transactions that were the basis of the tax that is the subject of the compromise and that the taxpayer shall not challenge or protest any such tax obligations arising during the three year period; however, any statutory changes that become effective during the three year period shall apply to the taxpayer notwithstanding this provision of the compromise;

(6) That if there is a default in payment of any principal or interest due under terms of the agreement of compromise, or if the taxpayer fails to comply with the provisions of the agreement set forth in subdivision (5) of this subsection, the director of revenue may:

(a) Proceed immediately by suit to collect the entire unpaid balance of the amount agreed upon; or

(b) Proceed immediately by suit to collect as liquidated damages an amount equal to the liability compromised, minus any payments already received under the terms of the agreement, with interest on the unpaid balance from the date of default; or

(c) Disregard the amount of the compromise and apply all amounts previously paid under the agreement against the amount of the liability compromised and assess and collect by levy or suit the balance of the liability. If the director chooses this option, the taxpayer shall have the right to contest in court or otherwise the amount of the liability compromised.

3. The director's remedies under this section are cumulative and the director may pursue any combination of such remedies together or consecutively until the entire liability is paid. No action or inaction by the director shall constitute a waiver or election not to pursue any remedy granted by this section.

4. The taxpayer requesting to compromise payment of taxes, interest, additions to tax, or penalties shall provide any information reasonably requested by the director in order that the director may determine that the offer is made in good faith.

5. If compromise of taxes is agreed upon, any statute of limitations applicable to the assessment and collection of the liability compromised shall be tolled during the period beginning on the date of the compromise and ending one year after the last payment is due pursuant to the agreement.

6. The director's decision to reject or accept an offer of compromise under this section shall be based on consideration of all the facts and circumstances, including the taxpayer's record of overall compliance with the tax laws. Notwithstanding any provision of law to the contrary, the director's decision shall not be subject to review by the administrative hearing commission or any court.

7. The provisions of this section shall not apply to the resolution of any dispute of tax liability in accordance with section 32.375.

Section 1. In the event the department of revenue enters into an agreement with a taxpayer and said agreement exceeds the department's statutory authority and the taxpayer has relied to his detriment, the department shall be permitted to honor said contract. This section shall only apply to cases where the department has collected sales tax that was not owed by the taxpayer."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hanaway, **House Amendment No. 22** was adopted.

Representative Scheve offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 1, In the Title, Line 28, by deleting all of said line and inserting in lieu thereof the following: "subject, with an emergency clause for certain sections."; and

Further amend said bill, Page 39, Section 99.847, Line 12 of said page, by inserting after all of said line the following:

"135.150. 1. [Until January 1, 1987, the director of revenue shall prescribe such rules and regulations necessary to carry out the provisions of sections 135.100 to 135.150.] **For taxpayers commencing operations on or after**

January 1, 2001, no more than four million dollars in tax credits may be authorized in any year under this program. The director of the department of economic development shall determine and implement appropriate procedures to ensure that the cap is not exceeded in any year. These procedures will be submitted to the joint committee on economic development policy and planning pursuant to section 620.080, RSMo.

2. [Beginning January 1, 1987,] **The department may adopt such rules, statements of policy, procedures, forms and guidelines as may be necessary for the implementation of this program.** The director of economic development shall prescribe the method for submitting applications for [claiming] **participation in the program authorized by sections 135.100 to 135.150 and for a taxpayer receiving tax credits to claim** the tax credits [allowed in] **authorized by** subsections [2 and] 3 **and 4** of section 135.110 and shall, if such application or portion thereof is approved, certify same to the director of revenue or the director of insurance that the taxpayer claiming the credits has satisfied all requirements prescribed in sections 135.100 to 135.150 and is [therefore] eligible to claim the credits. The director of economic development shall also calculate and specify the amount of the credit earned by the taxpayer during the taxpayer's first taxable year in which such credits are claimed and for each of the nine succeeding taxable years the credits are claimed by the taxpayer and shall certify such amounts to the director of revenue or the director of insurance and shall notify the taxpayer in writing of the action taken on [his] **the taxpayer's** request for the credits and if the request for credits is disallowed, the director of economic development shall state the reason or reasons the claim for credit was disallowed. The director shall certify the extent to which earned credits can be claimed to the director of revenue or the director of insurance and shall notify the taxpayer in writing of such determination. [The director of economic development may prescribe such rules and regulations necessary to carry out the provisions of sections 135.100 to 135.150.]

3. The director of revenue and, when appropriate, the director of insurance may prescribe rules and regulations necessary to process the credits following certification by the director of economic development.

4. No rule or portion of a rule promulgated [under the authority of] **pursuant to** sections 135.100 to 135.160 shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024,] **chapter 536,** RSMo.

[4.] **5.** Any taxpayer who **commences operations before January 1, 2002, or any taxpayer who commences operations on or after January 1, 2002, and has been approved for participation in the program** and has submitted an application for claiming tax credits as [allowed in] **authorized by** section 135.110 may file with the director of economic development, a protest within sixty days (one hundred fifty days if the taxpayer is outside the United States) after the date of such certification notice or the date of the notice denying such certification. The protest shall be in writing and shall set forth the grounds on which the protest is based.

[5.] **6.** If a protest is filed, the director of economic development shall consider the taxpayer's grounds for protest and make a determination concerning such protest. The director of economic development shall notify the taxpayer in writing of such determination within thirty days following the date on which the written protest was received. Such notice shall be mailed to the taxpayer by certified or registered mail and such notice shall set forth briefly the director of economic development's findings of fact and the basis of decision.

[6.] **7.** The decision of the director of economic development on the taxpayer's protest is final upon the expiration of thirty days from the date when [he] **the director** mails notice of his **or her** action to the taxpayer unless within this period, the taxpayer seeks review of the [director of economic development's] **director's** determination by the administrative hearing commission, which is hereby authorized."; and

Further amend said bill, Page 59, Section 135.230, Line 22 of said page, by inserting after all of said line the following:

"135.400. As used in sections 135.400 to 135.430, the following terms mean:

(1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;

(2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;

(3) "Community development corporation", [a not for profit corporation and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such

corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities] **a not-for-profit corporation whose board of directors is composed of business, civic and community leaders, and whose primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial and civic development or redevelopment of a community or area, including the provision of housing and community economic development projects that benefit low-income individuals and communities;**

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;

(6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;

(7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;

(8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 C.F.R. Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;

(9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;

(10) "Principal owners", one or more persons who own an aggregate of [fifty] **thirty-five** percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

(11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(12) "State tax liability", any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions[;

(13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval].

135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed [thirteen] **four** million dollars **per year for ten years** and at least [four] **two** million dollars **per year** of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this [four] **two** million [dollar amount] **dollars per year** shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits

available each year for investments in community banks or community development corporations for direct investment shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the [ten] **five** tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the [ten] **five** years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by **filing a notarized endorsement thereof with the department** which names the transferee **and the amount of tax credit transferred.**

2. Five hundred thousand dollars in tax credits shall be available annually from the total amount of tax credits authorized by section 32.110, RSMo, and subdivision (4) of subsection 2 of section 32.115, RSMo, as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business."; and

Further amend said bill, Page 60, Section 135.406, Line 19 of said page, by inserting after all of said line the following:

"135.408. A qualified investment in a Missouri small business may be made either through an unsecured loan or the purchase of equity or unsecured debt securities of such business. Investors in a small business qualifying for tax credits [under] **pursuant to** the provisions of sections 135.400 to 135.430, however, must collectively own less than [fifty] **sixty-five** percent of a business after their investments are made. Qualified investments in a Missouri small business must be expended for capital improvements, plant, equipment, research and development, or working capital for the business or such business activity as may be approved by the department.

135.411. The amount of the qualified investment made in a Missouri small business must remain in that business for a minimum of [five] **three years and, if the business is in a distressed community, it must remain in the distressed community for a minimum of five years.** Withdrawal of the investment prior to **expiration of** the minimum [five-year] period shall result in revocation of the tax credit, and repayment of any amounts of the tax credit already applied against the investor's state tax liability, **but the department may pro rate the revocation or repayment authorized by this section. The sale, change in control or going public of a business shall not trigger such a revocation if the business continues to operate.**

135.423. **Except as otherwise provided in this section,** the department may revoke a tax credit certificate issued pursuant to sections 135.400 to 135.430 or enforce repayment of any amounts of the tax credit already applied against the investor's state liability if any representation to the department in connection with the application proves to have been false when made or if the application violates any conditions established by the department and stated in the tax credit certificate. The revocation may be in full or in part as the department may determine. The department shall specify the amount of credit being revoked and shall send notice of the revocation to the investor and to the state department of revenue. **Any revocation, partial revocation or repayment of a tax credit issued pursuant to sections 135.400 to 135.430 shall apply only to the original applicant for the tax credit and not to a good faith subsequent purchaser or transferee thereof.**"; and

Further amend said bill, Page 71, Section 135.487, Line 11 of said page, by inserting after all of said line the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean :

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote [ten] **fifteen** percent or more

of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person [ten] **fifteen** percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business. Capital in a qualified Missouri business shall not include secured debt instruments;

(4) "Certified capital **investment**", an investment of cash by an investor in a Missouri certified capital company **that fully funds either the investor's equity interest in a certified capital company, a qualified debt instrument that a certified capital company issues, or both;**

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not-for-profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) **"Qualified debt instrument", a debt instrument that a certified capital company issues at par value or at a premium that:**

(a) **Has an original maturity date of at least five years from the date on which it was issued;**

(b) **Has a repayment schedule that is no faster than a level principal amortization; and**

(c) **Until the certified capital company may make distributions other than qualified distributions, the interest, distribution or payment features of which are not related to the certified capital company's profitability or the performance of its investment portfolio;**

(12) "Qualified distribution", any distribution of payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company [; and] **which, on an annual basis, do not exceed two and one-half percent of the certified capital company's total certified capital;**

(c) **Reasonable and necessary fees paid for professional services related to the operation of the certified capital company; and**

[(c)] (d) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

[(12)] (13) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business. **The investment must also be for the purchase of an equity security of the qualified business or a debt security of the qualified business, provided the debt has a maturity of at least one year. The debt security must be unsecured or be convertible into equity securities or equity participation instruments such as options or warrants. As a condition of the investment, the qualified business must agree to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment;**

(14) "Qualified Missouri agricultural business", any independently owned and operated business, which is headquartered and located in Missouri, which is involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians, and which is either:

(a) A rural agricultural business whose projects add value to agricultural products and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or

(b) Any business that is an eligible borrower as described pursuant to Section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars;

[(13)] (15) "Qualified Missouri business", an independently owned and operated business, which is headquartered and [located] **has its principal business operations** in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business:

(a) Shall have no more than two hundred employees[.];

(b) **Shall have at least** eighty percent of [which are] **its employees** employed in Missouri[. Such business];

(c) Shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians[.];

(d) If [such business] it has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars[.];

(e) **Shall certify that it will maintain its headquarters and principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment; and**

(f) If any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the [other] qualifications of **paragraphs (a), (b) and (d) of this [subsection] subdivision** at the time of such follow-on investments, **provided, however, that such business continues to meet the other requirements set forth in this subdivision, and such business reaffirms its intention to maintain its headquarters and its principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation;**

[(14)] (16) "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916, RSMo, as a result of claiming such credit.

3. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates shall be limited to ten million dollars.

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section. During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. [Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection.] The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to sections 135.500 to 135.529 shall be the following: for calendar year 1999 [and for any year thereafter,] an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year; **and for calendar year 2002, an amount to be determined by the director, but not to exceed forty million dollars, entitling all Missouri certified capital company investors in the applicable funds to take aggregate credits not to exceed four million dollars for any year,** with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years or pursuant to the provisions of subsection 4 **or 5** of this section to take them, pursuant to subsection 1 of this section. For purposes of any requirement regarding the schedule of qualified investments for certified capital for which earned and vested credits against state premium tax liability are allowed pursuant to this subsection only, the definition of a "qualified Missouri business" as set forth in subdivision [(13)] **(15)** of subsection 2 of section 135.500 means:

(a) A Missouri business that is located in a distressed community as defined in section 135.530, **has at least eighty percent of its employees in distressed communities,** and meets all of the requirements of subdivision [(13)] **(15)** of subsection 2 of section 135.500, except that its gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; **or**

(b) With respect to certified capital invested in 2002, a qualified Missouri agricultural business.

During any calendar year in which the limitation described in this subsection limits the amount of additional certified capital for which earned and vested credits against state premium tax liability are allowed, additional certified capital for which credits are allowed shall be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516 with respect to such additional certified capital. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 4 of this section. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to subsection 4 of this section shall limit the amount of certified capital for which credits are allowed pursuant to this subsection. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to this subsection shall limit the amount of certified capital for which credits are allowed pursuant to subsection 4 of this section.

6. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection [3] **4 or 5** of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

7. In no event shall the cumulative amount of tax credits authorized by this section exceed one hundred eighty million dollars.

135.508. **1.** The department may certify profit or not-for-profit entities which submit an application to be

designated as a Missouri certified capital company. The department shall review the organizational documents for each applicant for certification and the business history of the applicant, determine that the Missouri certified capital company's cash, marketable securities and other liquid assets are at least five hundred thousand dollars, determine that the liquid asset base for certified companies is at least five hundred thousand dollars at all times during the company's participation in the program authorized by sections 135.500 to 135.529, and determine that the officers and the board of directors, partners, trustees or managers are thoroughly acquainted with the requirements of sections 135.500 to 135.529.

2. To be certified, at least two of the principals have a minimum of five years of experience making venture capital investments out of private equity funds, with no less than twenty million dollars being provided by third-party investors for investment in the early stage of operating businesses. At least one full-time manager or principal of the certified capital company who has such experience must be primarily located in an office of the certified capital company which is based in this state.

3. To be certified, there must be no evidence that the applicant has:

(1) Violated any provision of this law;
(2) Made a material misrepresentation or false statement or concealed any essential or material fact from any person during the application process or with respect to information and reports required of certified capital companies pursuant to this law;

(3) Been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state or of the United States or any other country or government, including a fraudulent act in connection with the operation of a certified capital company, or in connection with the performance of fiduciary duties in another capacity;

(4) Been adjudicated liable in a civil action on grounds of fraud, embezzlement, misrepresentation or deceit; or

(5) Been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment or administrative order by any court of competent jurisdiction, administrative law judge, or any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities or option association, involving a material violation of any federal or state securities or commodities law or any rule or regulation adopted pursuant to such law, or any rule or regulation of any national securities, commodities or options exchange, or national securities, commodities or options association; or

(6) Been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers or other related or similar industries.

4. No insurance company which receives tax credits permitted under sections 135.500 to 135.529 for an investment in a Missouri certified capital company shall, individually or with or through one or more affiliates, be a managing general partner of or control the direction of investments of that Missouri certified capital company. Within seventy-five days of application, the department shall either issue the certification and notify the department of revenue and the director of the department of insurance of such certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including the suggestions for the removal of those grounds.

5. The department shall be responsible for the administration of the tax credits authorized by sections 135.500 to 135.529. No rule or portion of a rule promulgated under the authority of sections 135.500 to 135.529 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri

certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments. A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company[, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate]:

- (a) **Shall be held in a financial institution or held by a registered broker-dealer;**
- (b) **Shall not be invested in a certified investor of the certified capital company or any affiliate of the certified investor of the certified capital company;**
- (c) **Shall be invested only in:**
 - a. **Any United States Treasury obligations;**
 - b. **Certificates of deposit or other obligations, maturing within three years after acquisitions of such certificates or obligations, issued by a financial institution or trust company incorporated pursuant to the laws of the United States;**
 - c. **Obligations which (i) are rated "A" or better by any nationally recognized credit rating agency, or (ii) issued by, or guaranteed with respect to payment by, an entity whose unsecured indebtedness is rated "A" or better by any nationally recognized credit rating agency and which is not subordinated to other unsecured indebtedness of the issuer or guarantor, as the case may be;**
 - d. **Mortgage-backed securities, with an average life of five years or less, after the acquisition of such securities, which are rated "A" or better by any nationally recognized credit rating agency;**
 - e. **Collateralized mortgage obligations and real estate mortgage investment conduits that are direct obligations of an agency of the United States government, are not private-label issues, are in book-entry form, and do not include the classes of interest only, principal only, residual or zero; or**
 - f. **Interests in money market funds, the portfolio of which is limited to cash and obligations described in subparagraphs a to e of this paragraph.**

2. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

[2.] 3. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments, **and, with respect to qualified investments made with certified capital raised after August 28, 2001, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses.** Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified

capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

4. In the event that a business in which a qualified investment is made fails to comply with its agreement to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment, by relocating its headquarters or principal business operations of such business within the state to another state, the cumulative amount of qualified investment shall be reduced for purposes of this subsection only by the amount of such qualified investment, unless:

(1) The certified capital company invests an amount of at least equal to the investment of certified capital in the relocated business in a qualified business located in the state or in a distressed community, if the investment is to be credited to a distressed community allocation, within six months of the relocation; or

(2) The business demonstrates that it has returned its principal business operations to Missouri or a distressed community, if the investment is to be credited to a distressed community allocation, within three months of such relocation.

[3.] **5.** No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

[4.] **6.** Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

[5.] **7.** Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] 4 of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529.

135.527. 1. On an annual basis, on or before January thirty-first, each certified capital company shall file with the department, on forms or in a manner prescribed by the department, a report for the period ending December thirty-first of the immediately preceding calendar year:

(1) The total dollar amount the certified capital company received from certified investors, the identity of the certified investors and the amount received from each certified investor;

(2) The total dollar amount the certified capital company invested and the amount invested in qualified businesses, together with the identity and location of those businesses and the amount invested in each qualified business; and

(3) The total number of permanent, full-time jobs either created or retained by the qualified business, the average wage of the jobs created or retained, the industry sectors in which the qualified businesses operate and

any additional capital invested in qualified businesses from sources other than certified capital companies.

2. The report shall be verified by one or more principals of the certified capital company submitting the form.

3. The department may audit and examine the accounts, books or records of certified capital companies, certified investors and qualified Missouri businesses that received qualified investments for the purpose of ascertaining the correctness of any report filed, and to ascertain a certified capital company's compliance with the provisions of sections 135.500 to 135.529.

4. Beginning on March 31, 2002, and on March thirty-first of each even-numbered year thereafter, the department shall report on a biennial basis to the governor, the speaker of the house of representatives, and the president pro tempore of the senate on or before April first:

(1) The total dollar amount each certified capital company received from all certified investors and any other investor, the identity of the certified investors, and the total amount of premium tax credit used by each certified investor for the previous calendar year;

(2) The total dollar amount invested by each certified capital company and that portion invested in qualified businesses, the identity and location of those businesses, the amount invested in each qualified business and the total number of permanent, full-time jobs created or retained by each qualified business; and

(3) The return for the state as a result of the certified capital company investments, including the extent to which:

(a) Certified capital company investments have contributed to employment growth;

(b) The wage level of businesses in which certified capital companies have invested exceeds the average wage for the county in which the jobs are located; and

(c) The investments of the certified capital companies in qualified businesses have contributed to expanding or diversifying the economic base of the state."; and

Further amend said bill, Page 72, Section 135.530, Line 16 of said page, by inserting after all of said line the following:

"[135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate standard industrial classification numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in

subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. A corporation, partnership or sole proprietorship, which has no more than one hundred employees for whom payroll taxes are paid, and which is already located in a distressed community, which expends funds for such equipment as set forth in this subsection in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a twenty-five percent tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, up to a maximum of seventy-five thousand dollars in tax credits for such additional equipment and expense per such entity. Tax credits pursuant to this subsection or subsection 1 may be used to satisfy the state tax liability due in the tax year the credit is certified, and that was due during the previous three years, and in any of the five tax years thereafter.

4. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

5. The tax credits allowed pursuant to subsections 1, 2 and 3 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 3 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 4 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

6. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1 or 3 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

7. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

8. An existing business located within a distressed community, that hires new employees within such distressed communities may be eligible for the tax credits provided in this section. In order to be eligible for such tax credits, the business located within the distressed community, during one of its tax years, must employ within such distressed communities at least twice as many workers as were employed at the beginning of that tax year. Prior to the addition of the new employees, the business shall have no more than one hundred employees. The provisions of this section shall apply only to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, or telecommunications business or a professional firm.]

135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than [seventy-five] **sixty** percent of its employees at [the facility] **facilities** in [the] distressed [community] **communities**, and which has fewer than one hundred **fifty** employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall [assign] **specify which** appropriate standard industrial classification numbers [to the companies which are], **or North American Industrial Classification System**

numbers assigned to a business make the business eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for **the purchase of or at least a two-year lease of** computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of [seventy-five] **one hundred fifty** thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. **The maximum tax credit allowed pursuant to this subsection shall apply to entities which have previously qualified for a tax credit pursuant to this subsection for future tax years for which such entities qualify.**

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than [one] **two hundred employees in the distressed community** before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by **filing a notarized endorsement thereof with the department** which names the transferee **and the amount of tax credits transferred, and any revocation, partial revocation or repayment of a tax credit issued pursuant to this section shall apply only to the original applicant for the tax credit and not to a good faith subsequent purchaser or transferee thereof.**

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than [ten] **seven million five hundred thousand** dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period. **A change in ownership or control of a taxpayer shall not revoke or otherwise restrict the tax credits allowed pursuant to this section.**

135.545. A taxpayer shall be allowed a credit for taxes paid pursuant to chapter 143, 147 or 148, RSMo, in an amount equal to fifty percent of a qualified investment in transportation development for aviation, mass transportation, including parking facilities for users of mass transportation, railroads, ports, including parking facilities and limited access roads within ports, waterborne transportation, bicycle and pedestrian paths, or rolling stock located in a distressed community as defined in section 135.530, and which are part of a development plan approved by the appropriate local agency. If the department of economic development determines the investment has been so approved, the department shall grant the tax credit in order of date received. A taxpayer may carry forward any unused tax credit for up to ten years and may carry it back for the previous three years until such credit has been fully claimed. Certificates of tax credit issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee. The tax credits allowed pursuant to this section shall be for an amount of no more than [ten] **seven million five hundred thousand** dollars for each year. This credit shall apply to returns filed for all taxable years beginning on or after January 1, 1999. [Any unused portion of the tax credit authorized pursuant to this section shall be available for use in the future by those entities until fully claimed.]; and

Further amend said bill, Page 112, Section 347.189, Line 21 of said page, by inserting after all of said line the following:

"348.300. As used in sections 348.300 to 348.318, the following terms mean:

(1) "Commercial activity located in Missouri", any research, development, prototype fabrication, and subsequent precommercialization activity, or any activity related thereto, conducted in Missouri for the purpose of producing a service or a product or process for manufacture, assembly or sale or developing a service based on such a product or process by any person, corporation, partnership, joint venture, unincorporated association, trust or other organization doing business in Missouri. Subsequent to January 1, 1999, a commercial activity located in Missouri shall mean only such activity that is located within a distressed community, as defined in section 135.530, RSMo;

(2) "Follow-up capital", capital provided to a commercial activity located in Missouri **or any other Missouri business** in which a qualified fund has previously invested seed capital or start-up capital **within the previous three years** and which does not exceed ten times the amount of such seed and start-up capital;

(3) "Qualified contribution", cash contribution to a qualified fund;

(4) "Qualified economic development organization", any corporation organized under the provisions of chapter 355, RSMo, which has as of January 1, 1991, obtained a contract with the department of economic development to operate an innovation center to promote, assist and coordinate the research and development of new services, products or processes in the state of Missouri; and the Missouri technology corporation organized pursuant to the provisions of sections 348.253 to 348.266;

(5) "Qualified fund", any corporation, partnership, joint venture, unincorporated association, trust or other organization which is established under the laws of Missouri after December 31, 1985, which meets all of the following requirements established by this subdivision. The fund shall have as its sole purpose and business the making of investments, of which at least ninety percent of the dollars invested shall be qualified investments. The fund shall enter into a contract with one or more qualified economic development organizations which shall entitle the qualified economic development organizations to receive not less than ten percent of all distributions of equity and dividends or other earnings of the fund **only when such distributions of equity and dividends are made or other earnings are distributed**. Such contracts shall require the qualified fund to transfer to the Missouri technology corporation organized pursuant to the provisions of sections 348.253 to 348.266, this interest and make corresponding distributions thereto in the event the qualified economic development organization holding such interest is dissolved or ceases to do business for a period of one year or more;

(6) "Qualified investment", any investment of seed capital, start-up capital, or follow-up capital in any commercial activity located in Missouri;

(7) "Person", any individual, corporation, partnership or other entity;

(8) "Seed capital", capital provided to a commercial activity located in Missouri for research, development and precommercialization activities to prove a concept for a new product or process or service, and for activities related thereto;

(9) "Start-up capital", capital provided to a commercial activity located in Missouri for use in preproduction product development or service development or initial marketing thereof, and for activities related thereto;

(10) "State tax liability", any state tax liability incurred by a taxpayer under the provisions of chapters 143, 147 and 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;

(11) "Uninvested capital", the amount of any distribution, other than of earnings, by a qualified fund made within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318; or the portion of all qualified contributions to a qualified fund which are not invested as qualified investments within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318 to the extent that the amount not so invested exceeds ten percent of all such qualified contributions."; and

Further amend said bill, Page 119, Section 447.700, Line 10 of said page, by inserting after all of said line the following:

"[620.1400. Sections 620.1400 to 620.1460 shall be known and may be cited as the "Missouri Individual Training Account Program Act" and its provisions shall be effective only within distressed communities as defined by section 135.530, RSMo.]

[620.1410. There is hereby established an "Individual Training Account Program" within the department of economic development. Job training and retraining activities conducted pursuant to the provisions of sections 620.1400 to 620.1460 shall be directed to employee advancement, where jobs are linked to training before the training commences, and shall emphasize upgrade training where current or potential employers, by means of educational programs, provide existing employees with training for higher skilled positions. Job training activities provided pursuant to the provisions of the individual training account program shall attempt to prepare employed workers, including those with obsolete or inadequate job skills, for positions that remain unfilled or that may be created by current or potential employers.]

[620.1420. As used in sections 620.1400 to 620.1460, the following terms mean:

(1) "Costs of classroom training", the normal costs incurred in the provision of classroom training which may also include specifically identified costs incurred for instructors, classroom space and facilities, administrative support services, and directly related expenses, that together do not exceed the amount normally allowed for support of vocational and technical classes;

(2) "Department", the department of economic development;

(3) "Employee", a full-time or part-time employed worker whose salary is equal to or less than two hundred percent of the federal poverty level;

(4) "Employee upgrade training", the progressive development of skills associated with the defined set of work processes. Such training shall be consistent with a career pattern of advancement, as measured by skill proficiency and the progressive earnings and related benefits, that are recognized within an occupation, trade or industry;

(5) "Individual training account", an account funded by the tax credits provided for in section 620.1440 for the provision of employee upgrade training to employees through their participation in classroom training provided by educational institutions;

(6) "Local educational institution", a publicly funded or privately funded local educational institution which is certified by a recognized accrediting association as capable of providing adequate classroom training to accomplish the purpose of sections 620.1400 to 620.1460.]

[620.1430. 1. A Missouri employer who desires to participate in the individual training account program shall provide the department of economic development with notification of intent to participate. The notification shall include, but need not be limited to, the names and occupations of employees whom the employer has selected to be trained, whether or not the employees are currently working for the employer, the name of the local educational institution that will provide the training, and a brief description of the training to be given by the institution.

2. The employer shall have complete discretion in the selection of the local educational institution or institutions

to provide training and shall be responsible for the payment of the costs of classroom training.]

[620.1440. 1. Employers may be reimbursed for the costs of training provided pursuant to the provisions of the individual training account program. Such reimbursement shall be in the form of tax credits as authorized in subsection 2 of this section. The tax credits may be claimed for courses provided in no more than two calendar years for each employee. For each year, the maximum amount of credit per employee which can be certified by the department of economic development shall be the lesser of fifty percent of the costs of classroom training or one thousand five hundred dollars.

2. Tax credits may be claimed against any liability incurred by the employer pursuant to the provisions of chapter 143, RSMo, and chapter 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo. Earned tax credits may be carried forward for a period not to exceed five years and may be sold or transferred.

3. No claim for tax credits submitted to the department by an employer shall be certified until the employer provides documentation that an employee has successfully completed the employee's course training and has been employed by the employer in a new, full-time position for a period of at least three months. It must be demonstrated satisfactorily to the department that the new position in which the employee located is an upgrade in employment, in terms of salary and responsibilities, from the previously held position. All such increases in salary shall be in addition to normal cost-of-living increases provided for in authorized labor-management contracts. If the employee was previously employed in a part-time position, the base salary for the position shall be calculated as if it were a full-time position.]

[620.1450. The maximum amount of tax credits allowable pursuant to the provisions of the individual training account program shall not annually exceed six million dollars.]

[620.1460. The department of economic development may promulgate necessary rules and regulations to carry out the provisions of sections 620.1400 to 620.1460. No rule or portion of a rule promulgated pursuant to the authority of sections 620.1400 to 620.1460 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]";and

Further amend said bill, Page 130, Section 1, Line 10 of said page, by inserting after all of said line the following:

"Section B. Because of the need to reallocate and extend the tax credits contained in this section, the repeal and reenactment of sections 135.150, 135.400, 135.403, 135.408, 135.411, 135.423, 135.535, 135.545 and 348.300, and the repeal of sections 135.535, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1460 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 135.150, 135.400, 135.403, 135.408, 135.411, 135.423, 135.535, 135.545 and 348.300, and the repeal of sections 135.535, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1460 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Scheve, **House Amendment No. 23** was adopted.

Representative Bray offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 112, Section 347.189, Line 21, by adding after all of said line the following:

"348.302. 1. Any person who makes a qualified contribution to a qualified fund shall be entitled to receive a tax credit equal to sixty percent of the amount of the qualified contribution. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 348.300 to 348.318 and may be used to satisfy the state tax liability of the owner of such certificate that becomes due in the tax year in which the qualified contribution is made, or in any of the ten tax years thereafter. No person may receive a tax credit pursuant to sections 348.300 to 348.318

unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability.

2. The amount of such qualified contributions which can be made is limited so that the aggregate of all tax credits authorized [under] **pursuant to** the provisions of sections 348.300 to 348.318 shall not exceed [nine] **four** million dollars **per year plus any unused amounts from the previous year pursuant to sections 135.535 and 135.545, RSMo.** All tax credits authorized [under] **pursuant to** the provisions of this section may be transferred, sold or assigned **by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credits transferred.**"; and

Further amend said title, enacting clause and intersectional references.

On motion of Representative Bray, **House Amendment No. 24** was adopted.

Representative Portwood offered **House Amendment No. 25.**

House Amendment No. 25

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 172.930, Line 24, by inserting after all of said section the following:

"177.086. 1. Any school district authorizing the construction of facilities which may exceed an expenditure of [twelve thousand five hundred] **twenty-five thousand** dollars shall publicly advertise[, for two successive weeks,] in a newspaper of general publication, located within the county in which said school district is located, or if there be no such newspaper, in a newspaper of general publication in an adjoining county for bids on said construction **for any two days of highest readership in a period of two consecutive weeks. It shall be sufficient notice for a school district to place a minimal notice in the newspaper pursuant to this subsection directing attention to full notice when the district also posts a full notice at the school district building headquarters and, if applicable, on the Internet.**

2. No bids shall be entertained by the school district which are not made in accordance with the specifications furnished by them and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting, provided that the said school district shall have the right to reject any and all bids.

3. All bids must be submitted sealed and in writing, to be opened publicly at time and place of the district's choosing.

4. If a board of education, by unanimous decision of the whole board, declares the repair of a structure an emergency, the requirements of subsection 1 of this section shall be waived. The necessity of the repair must be the result of an unanticipated occurrence. The district shall make a reasonable effort to secure competitive bids for such repairs or replacements."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Portwood, **House Amendment No. 25** was adopted.

Representative Merideth offered **House Amendment No. 26.**

House Amendment No. 26

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 35, Section 71.194, Line 5, by inserting the following after said line:

"72.300. Any two or more municipalities which are adjoining or contiguous to each other on two or more sides and which are located in a county of the third class having a population of not less than [twenty-five] **twenty thousand** nor more than thirty thousand may provide for the absorption of the corporate existence and the territorial limits of one or more of the municipalities by another such municipality in the manner provided in sections 72.300 to 72.350."; and

Further amend said title, enacting clause and intersectional reference accordingly.

On motion of Representative Merideth, **House Amendment No. 26** was adopted.

Representative Shields offered **House Amendment No. 27**.

Representative Ransdall raised a point of order that **House Amendment No. 27** is dilatory.

The Chair ruled the point of order well taken.

Speaker Kreider resumed the Chair.

Representative Crump moved the previous question on the motion to adopt **HS HCS SB 125, as amended**.

Which motion was defeated by the following vote:

AYES: 067

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boykins	Bray 84	Britt
Campbell	Carnahan	Clayton	Copenhaver	Crump
Davis	Farnen	Foley	Franklin	Fraser
Gambaro	George	Graham	Gratz	Green 15
Green 73	Hagan-Harrell	Hampton	Harding	Hickey
Hilgemann	Hollingsworth	Holt	Hoppe	Hosmer
Johnson 61	Johnson 90	Jolly	Kelly 27	Kelly 36
Kennedy	Koller	Lawson	Liese	Lowe
Luetkenhaus	McKenna	Merideth	Monaco	O'Toole
Overschmidt	Ransdall	Relford	Rizzo	Scheve
Seigfreid	Selby	Shelton	Shoemyer	Skaggs
Smith	Treadway	Villa	Ward	Willoughby
Wilson 25	Mr. Speaker			

NOES: 071

Ballard	Barnett	Bartle	Bearden	Behnen
Berkstresser	Black	Boatright	Boucher	Brooks
Burcham	Burton	Byrd	Champion	Cierpiot
Coleman	Cooper	Crawford	Crowell	Cunningham
Curls	Dempsey	Enz	Fares	Ford
Gaskill	Griesheimer	Hanaway	Hartzler	Haywood
Hegeman	Hendrickson	Holand	Hunter	Jetton
Kelly 144	King	Legan	Levin	Linton
Luetkemeyer	Marble	Marsh	May 149	Mayer
Moore	Myers	Naeger	Ostmann	Phillips
Portwood	Purgason	Rector	Reid	Reinhart
Richardson	Ridgeway	Roark	Robirds	Ross
Schwab	Scott	Secrest	Shields	St. Onge
Surface	Thompson	Townley	Troupe	Walton
Wilson 42				

PRESENT: 002

Reynolds Williams

ABSENT WITH LEAVE: 020

Bartelsmeyer	Bowman	Dolan	Froelker	Harlan
Henderson	Hohulin	Kelley 47	Lograsso	Long
Mays 50	Miller	Murphy	Nordwald	O'Connor
Van Zandt	Vogel	Wagner	Wiggins	Wright

VACANCIES: 003

Representative Ward offered **House Amendment No. 27**.

Representative Byrd raised a point of order that **House Amendment No. 27** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Ballard offered **House Amendment No. 27**.

Representative Hoppe raised a point of order that **House Amendment No. 27** amends previously amended material.

The Chair ruled the point of order well taken.

Representative Skaggs offered **House Amendment No. 27**.

House Amendment No. 27

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting after all of said line the following:

"139.050. 1. In all constitutional charter cities in this state which have seven hundred thousand inhabitants or more, all current and all delinquent general, school and city taxes may be paid entirely, or in installments of at least twenty-five percent of the taxes, and the delinquent taxes shall bear interest at the rate provided by section 140.100, RSMo, and shall be subject to the fees provided by law.

2. The director of revenue shall issue receipts for the partial payments.

3. Subsection 1 of this section shall not apply to payments for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations.

139.052. 1. The governing body of any county may by ordinance or order provide for the payment of all or any part of current and delinquent real property taxes, in such installments and on such terms as the governing body deems appropriate. Additionally, the county legislative body may limit the right to pay such taxes in installments to certain classes of taxpayers, as may be prescribed by ordinance or order. Any delinquent taxes shall bear interest at the rate provided by section 140.100, RSMo, and shall be subject to the fees provided by law.

2. The county official charged with the duties of the collector shall issue receipts for any installment payments.

3. Installment payments made at any time during a tax year shall not affect the taxpayer's right to protest the amount of such tax payments under applicable provisions of law.

4. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations.

139.053. 1. The governing body of any county, excluding township counties, may by ordinance or order provide for the payment of all or any part of current real and personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual or quarterly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. The county shall at the end of the tax year refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest on the amount of property taxes still owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.

5. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Skaggs, **House Amendment No. 27** was adopted.

Representative Walton offered **House Amendment No. 28**.

House Amendment No. 28

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19 of said page, by adding after all of said line the following:

"162.386. 1. Notwithstanding any other provision of law to the contrary, in any seven-director school district which includes all of any village with a population of more than two thousand nine hundred but less than three thousand two hundred fifty inhabitants that is located within a county of the first classification with a charter form of government having a population of more than nine hundred thousand inhabitants, the state board of education shall, on or before December 1, 2001, and every ten years thereafter, establish subdistricts for such district. The subdistricts established by the state board shall be compact, contiguous and as nearly equal in population as practicable.

2. All board members elected or appointed in any such district shall be elected or appointed to represent one of the subdistricts, beginning with the first municipal general election after December 1, 2001. Each member shall be elected by the district at large and shall reside in the subdistrict for which he or she is elected, or, in the case of a vacancy, the subdistrict for which he or she is appointed.

3. Elected members of the board in office on December 1, 2001, shall hold office for the length of term for which they were elected, and any members appointed to fill vacancies in office occurring after December 1, 2001, shall serve for the remainder of the term to which the replaced member was elected.

4. At the first municipal general election to occur after December 1, 2001, the elections for these seats of any expiring terms of at-large board members shall be filled by persons elected from the lowest-numbered subdistricts, as those subdistricts are created and numbered by the state board of education. The second such municipal general election shall be for the lowest-numbered subdistricts not filled at the prior election, and the

third such election shall be for the remaining subdistricts not filled at the prior two elections.

5. The law governing school districts and seven-director school districts shall continue to apply to any district described in this section, except as expressly provided in this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Smith assumed the Chair.

Representative Walton moved that **House Amendment No. 28** be adopted.

Which motion was defeated by the following vote:

AYES: 049

Bearden	Behnen	Berkowitz	Bland	Boucher
Bowman	Boykins	Brooks	Burcham	Carnahan
Champion	Cierpiot	Clayton	Coleman	Curls
Enz	Ford	Franklin	Gaskill	Harding
Haywood	Hegeman	Hoppe	Hosmer	Johnson 61
Johnson 90	Liese	Marsh	May 149	Mayer
Monaco	Moore	Phillips	Portwood	Ransdall
Reid	Relford	Ridgeway	Ross	Scheve
Shelton	St. Onge	Thompson	Treadway	Troupe
Villa	Walton	Williams	Wilson 42	

NOES: 074

Baker	Ballard	Barnett	Barnitz	Barry 100
Bartle	Berkstresser	Black	Boatright	Bonner
Bray 84	Britt	Burton	Byrd	Campbell
Copenhaver	Crawford	Crowell	Davis	Dolan
Farnen	Fraser	George	Graham	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Hartzler	Hendrickson	Hickey	Holt	Jetton
Jolly	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Levin	Lowe	Luetkemeyer	Marble
McKenna	Murphy	Myers	Naeger	O'Toole
Ostmann	Purgason	Rector	Reinhart	Reynolds
Richardson	Rizzo	Roark	Robirds	Schwab
Scott	Secrest	Seigfreid	Selby	Shields
Shoemyer	Skaggs	Surface	Townley	Vogel
Ward	Willoughby	Wilson 25	Wright	

PRESENT: 010

Abel	Crump	Cunningham	Dempsey	Fares
Foley	Gambaro	Hilgemann	Lawson	Overschmidt

ABSENT WITH LEAVE: 027

Bartelsmeyer	Cooper	Froelker	Gratz	Harlan
Henderson	Hohulin	Holand	Hollingsworth	Hunter
Kelley 47	Koller	Legan	Linton	Lograsso
Long	Luetkenhaus	Mays 50	Merideth	Miller
Nordwald	O'Connor	Smith	Van Zandt	Wagner
Wiggins	Mr. Speaker			

VACANCIES: 003

Representative Shelton offered **House Amendment No. 29**.

Speaker Pro Tem Abel resumed the Chair.

Representative Hoppe raised a point of order that **House Amendment No. 29** amends previously amended material.

The Chair ruled the point of order well taken.

Representative Black offered **House Amendment No. 29**.

House Amendment No. 29

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 172.930, by removing said section from the bill; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Black, **House Amendment No. 29** was adopted.

Representative Riback Wilson (25) offered **House Amendment No. 30**.

House Amendment No. 30

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 72, Section 135.530, Line 16, by inserting after said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of [all taxable real property in the county owned by the person, or under his or her care, charge or management, and] all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by

February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county of the first classification with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and
 (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
 (2) Livestock, twelve percent;
 (3) Farm machinery, twelve percent;
 (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and
 (6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;
 (2) For real property in subclass (2), twelve percent; and
 (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request

is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. If the assessor increases the assessed valuation of any parcel of subclass (1) real property by more than seventeen percent since the last assessment, excluding increases due to new construction or improvements, then the assessor shall conduct a physical inspection of such property.

137.155. 1. The oath to be signed and affirmed or sworn to by each person making a list of property required by this chapter is as follows:

I,, do solemnly swear, or affirm, that the foregoing list contains a true and correct statement of all the [real property and] tangible personal property, made taxable by the laws of the state of Missouri, which I owned or which I had under my charge or management on the first day of January, 19.... I further solemnly swear, or affirm, that I have not sent or taken, or caused to be sent or taken, any property out of this state to avoid taxation. So help me God.

2. Any person who refuses to make oath or affirmation to his **or her** list, when required so to do by the assessor or his **or her** deputy, shall, upon conviction, be deemed guilty of a misdemeanor and no property shall be exempt from executions issued on judgments in prosecutions [under] **pursuant to** this section.

3. The list and oath shall be filed by the assessor, after [he] **the assessor** has completed his [assessor's] **or her** books, in the office of the county clerk, who, after entering the filing thereon, shall preserve and safely keep them.

137.360. 1. The certificate to be signed by each person making a list of property required by sections 137.325 to 137.420 shall be as follows:

I,, do hereby certify that the foregoing list contains a true and correct statement of all the [real property and] tangible personal property made taxable by the laws of the state of Missouri, which I owned or which I had under my charge or management on the first day of January, 19.... I further certify that I have not sent or taken or caused to be sent or taken any property out of this state to avoid taxation. Any person who refuses to make the certification to his **or her** list, when required so to do by the assessor or his **or her** deputy, shall upon conviction be deemed guilty of a misdemeanor and no property shall be exempt from executions issued on judgments in prosecutions [under] **pursuant to** this section.

2. The list and certificate shall be filed by the assessor after [he] **the assessor** has completed his [assessor's] **or her** books in the office of the county clerk who, after entering the filing thereon, shall preserve and safely keep them.”; and

Further amend the title and enacting clause accordingly

On motion of Representative Riback Wilson (25), **House Amendment No. 30** was adopted.

Representative Portwood offered **House Amendment No. 31**.

Representative Crump raised a point of order that **House Amendment No. 31** is out of order pursuant to Rule 86.

The Chair ruled the point of order well taken.

Representative Myers offered **House Amendment No. 31.**

House Amendment No. 31

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 130, Line 10, by inserting after all of said line the following:

"Section 1. The state of Missouri hereby waives all rights to its possibility of reverter in the real property particularly described in the quitclaim deed in Book 279 at Pages 76-77 of the office of the recorder of deeds of Scott County."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Myers, **House Amendment No. 31** was adopted.

Representative Bearden offered **House Amendment No. 32.**

House Amendment No. 32

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 72, Section 137.239, by deleting all of said section and amending the title and enacting clause accordingly.

On motion of Representative Bearden, **House Amendment No. 32** was adopted.

Representative Cunningham offered **House Amendment No. 33.**

House Amendment No. 33

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting after all of said line the following:

"162.856. 1. In each special school district with a population in excess of one hundred thousand persons, there is hereby established a "Governing Council" which shall consist of one member of the board of education of each school district, all or a portion of which is contained in the special school district. The first governing council shall be formed on or before May 31, 1996, or the effective date of this section, May 24, 1996, whichever is later.

(1) Each member of the governing council shall be elected by the board of education of the school district on which the member serves. The board of education of a school district within the special school district may elect a new member to the governing council to fill a vacancy from that district and may replace the existing district member on the governing council at any time, upon providing written notice of the change to the secretary of the governing council.

(2) **The members of the governing council of a special school district in a county of the first classification with a charter form of government and a population in excess of eight hundred thousand shall serve two-year terms that begin June first. Each governing council member may serve up to two terms, but no member shall serve consecutive terms, and no member shall serve a second term until three other members of the board of education of the school district on which the member serves have served as governing council members. No member who has served for four or more years by June 1, 2001, shall continue to serve after the effective date of this section or June 1, 2001, whichever is later, nor shall any such member serve as governing council member until three other members of the board of education of the school district on which the member serves have served as governing council members. Each board of education shall elect a successor member for any member**

whose term has been ended pursuant to this subdivision within thirty days of the effective date of this section.

2. The governing council of a special school district shall have the following powers and duties:

(1) To establish such rules and procedures as may be necessary to carry out its powers and duties as provided in this section;

(2) To elect a chairman, a secretary and such other officers as it deems necessary;

(3) To review and give final approval of the annual budget of the special school district subject to the following provisions:

(a) For the 1996-97, 1997-98 and 1998-99 school years, the board of education of a special school district shall submit its proposed budget to the governing council no later than April first prior to the beginning of the school year, except that, for the 1996-97 school year only, the board of education shall submit its proposed budget to the governing council no later than thirty days after May 24, 1996. The governing council shall then either accept this budget proposal or make any amendments it deems appropriate and adopt the annual budget as amended no later than sixty days after receipt of the proposed budget;

(b) For the 1999-2000 school year and each school year thereafter:

a. The board of education of a special school district shall develop, in cooperation with the governing council, its annual budget which shall, following adoption by the board, be submitted to the governing council no later than April first prior to the beginning of the school year for final approval;

b. The governing council shall accept or reject the proposed budget by May first prior to the beginning of the school year. If rejected, the proposed budget shall be returned to the board of education no later than May first with a statement setting forth the reasons for the rejection;

c. The governing council and the board of education shall resolve any differences regarding approval of the budget by June thirtieth prior to the beginning of the school year;

(4) To annually review, conduct public hearings on and approve a rolling five-year plan for the operation and management of the district which shall be annually developed by the board of education of the special school district. The plan shall contain, but not be limited to, the following:

(a) The delivery of services;

(b) The structure, governance, administration and financial management of the district;

(c) Cooperation with component school districts; and

(d) Responsiveness to the needs and concerns of the citizens of the special school district.

The plan shall be first approved by the governing council on or before December 31, 1996, and shall be reviewed and approved annually on or before December thirty-first of each following year;

(5) To consult with the parental advisory committee established in section 162.858;

(6) To hold at least four meetings per school year and such other meetings, called by the chairman of the council, a majority of the council members or the board of education of the special school district, as may be necessary to transact business and fulfill the duties established under this section. All meetings of the governing council shall be open to the public, pursuant to chapter 610, RSMo. Minutes shall be kept of all proceedings and shall be a public record;

(7) To compel the attendance of the superintendent, members of the board of education, or any employee of the special school district and the production of papers, records, testimony, and other materials relating to the special school district, and to administer oaths to witnesses and take testimony under oath;

(8) To conduct a study to determine whether a plan should be developed whereby the local school districts assume greater responsibility and authority in the education of children with disabilities.

3. Unless a greater majority is otherwise required, all actions of the governing council shall require a majority of the authorized members who represent at least fifty percent of the population of the district. Population figures shall be adjusted based on the latest census data available."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Cunningham moved that **House Amendment No. 33** be adopted.

Which motion was defeated.

Representative Shelton offered **House Amendment No. 34**.

Representative Byrd raised a point of order that **House Amendment No. 34** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Crump raised a point of order that **House Amendment No. 34** is out of order pursuant to Rule 86.

The Chair ruled the point of order well taken.

Representative Davis offered **House Amendment No. 34**.

House Amendment No. 34

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 6, Section 50.1000-15(d), Line 12, by inserting the following at the end of said line:

“50.1010. There is hereby authorized a "County Employees' Retirement Fund" which shall be under the management of a board of directors described in section 50.1030. The board of directors shall be responsible for the administration and the investment of the funds of such county employees' retirement fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 50.1000 to 50.1200, the board shall apportion the benefits according to the funds available. **An individual who is in a job classification, which the Retirement System determines is not eligible for coverage under the Retirement System after September 1, 2001, shall not be considered an Employee, unless adequate additional funds are provided for the costs associated with such coverage.**”; and

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

On motion of Representative Davis, **House Amendment No. 34** was adopted.

Representative Wilson (42) offered **House Amendment No. 35**.

Representative Hoppe raised a point of order that **House Amendment No. 35** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

House Amendment No. 35 was withdrawn.

Representative Britt assumed the Chair.

Representative Hendrickson offered **House Amendment No. 35**.

House Amendment No. 35 was withdrawn.

Representative Hanaway offered **House Amendment No. 35**.

Representative Crump raised a point of order that **House Amendment No. 35** is out of order pursuant to Rule 86.

Representative Britt requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Green (15) offered **House Amendment No. 35**.

Representative Byrd raised a point of order that **House Amendment No. 35** is not germane to the bill.

Representative Boatright raised an additional point of order that **House Amendment No. 35** goes beyond the scope of the bill.

Representative Britt requested a parliamentary ruling.

The Parliamentary Committee ruled the points of order well taken.

Representative George offered **House Amendment No. 35**.

House Amendment No. 35

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Pages 35 and 36, Section 77.370, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

On motion of Representative George, **House Amendment No. 35** was adopted.

Representative Hilgemann offered **House Amendment No. 36**.

House Amendment No. 36

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting immediately after said line the following:

“140.012 Notwithstanding any other law to the contrary, if any real estate tax payment due under the authority of this chapter is delivered by United States mail to the county collector after the due date for such payment, the date of the United States postmark stamped on the envelope shall be deemed to be the date of delivery. This section shall apply only if the postmark date is on or before the due date for payment of real estate taxes and only if such payment was deposited in the mail postage prepaid, properly addressed to the county collector with whom the payment is required to be filed. If any document is sent by United States registered or certified mail, such registration or certification shall be prima facie evidence that such document was delivered to the person to which or to whom it is addressed. When the due date for payment of real estate taxes falls on a Saturday, a Sunday, or a legal holiday in this state, the payment shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday.”; and

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

On motion of Representative Hilgemann, **House Amendment No. 36** was adopted.

Representative Shelton offered **House Amendment No. 37**.

House Amendment No. 37

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 130, Section 1, Line 10, by inserting after said section the following:

"Section 2. The state shall contribute at least \$2 million and no more than \$10 million in assisting in the construction of the proposed St. Louis/St. Charles bridge."; and

Further amend the title and enacting clause accordingly.

Representative Boatright raised a point of order that **House Amendment No. 37** goes beyond the scope of the substitute.

Representative Britt requested a parliamentary ruling.

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

Representative Shelton moved that **House Amendment No. 37** be adopted.

Which motion was defeated.

Representative Kennedy offered **House Amendment No. 38**.

House Amendment No. 38

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 119, Section 447.700, by inserting after all of said section the following:

"447.721. 1. There is hereby created in the state treasury the "Contiguous Property Redevelopment Fund", which shall consist of all moneys appropriated to the fund, all moneys required by law to be deposited in the fund, and all gifts, bequests or donations of any kind to the fund. The fund shall be administered by the department of economic development. Subject to appropriation, the fund shall be used solely for the administration of and the purposes described in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the general revenue fund at the end of the biennium; provided, however, that all moneys in the fund on August 28, 2006, shall be transferred to the general revenue fund and the fund shall be abolished as of that date. All interest and moneys earned on investments from moneys in the fund shall be credited to the fund.

2. The governing body of any city not within a county, any county of the first classification without a charter form of government and a population of more than two hundred seven thousand but less than three hundred thousand, any county of the first classification with a population of more than nine hundred thousand, any city with a population of more than three hundred fifty thousand that is located in more than one county or any county of the first classification with a charter form of government and a population of more than six hundred thousand but less than nine hundred thousand may apply to the department of economic development for a grant from the contiguous property redevelopment fund. The department of economic development may promulgate the form for such applications in a manner consistent with this section. Grants from the fund may be made to the governing body to assist the body both acquiring multiple contiguous properties within such city

and engaging in the initial redeveloping of such properties for future use as private enterprise. For purposes of this section, "initial redeveloping" shall include all allowable costs, as that term is defined in section 447.700, and any other costs involving the improvement of the property to a state in which its redevelopment will be more economically feasible than such property would have been if such improvements had not been made.

3. In awarding grants pursuant to this section, the department shall give preference to those projects which propose the assembly of a greater number of acreage than other projects and to those projects which show that private interest exists for usage of the property once any redevelopment aided by grants pursuant to this section is completed.

4. The department of economic development may promulgate rules for the enforcement of this section. No rule or portion of a rule promulgated pursuant to this section shall take effect unless it has been promulgated pursuant to chapter 536, RSMo.

5. The provisions of this section shall expire on August 28, 2006."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Kennedy, **House Amendment No. 38** was adopted.

Representative Hanaway offered **House Amendment No. 39**.

House Amendment No. 39

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 82, Section 204.640, Line 11, by adding after the period the following new language:

"Any political entity of this state that performs storm water and/or wastewater public works projects that exceed or are planned to exceed two billion dollars shall develop rules or ordinances for the control of costs and the schedule for cost reimbursable contracts. The rules or ordinances shall be included in the terms and conditions of contracts with all consultants, suppliers and contractors providing services, materials or construction on a cost reimbursable basis for cost plus contracts in excess of one million dollars and/or contracts which may exceed three years. Such rules or ordinances must include specific reporting requirements and standards of allowable costs and schedule variation beyond which the political entity's management intervention and corrective action shall be mandatory.

The rules or ordinances shall include within its purview the functions of planning, directing, coordinating, funds commitment, funding, public interaction, advertising for the selection of professional consultants, legal counsel and auditing of such public works. The rules or ordinances may authorize the use of consultants, but it shall not delegate management prerogatives or fiduciary authority that is inherent to such political entity. The rules or ordinances shall insure adequate checks and balances such that a single consultant shall not be utilized to determine costs, develop internal controls or develop performance standards that could influence either allowable costs or fees for services, which that consultant may provide. Data bases developed, updated or maintained by a consultant providing services to the political entity shall be the sole property of the entity.

The rules or ordinances shall be determined by the governing body of said public entity in conformance with chapter 610 RSMo. The public entity shall accept public testimony and a public comment period of not less than thirty days after the initial draft of said rules or ordinances and prior to final disposition."; and

Further amend the title and enacting clause accordingly.

Representative Bowman offered **House Substitute Amendment No. 1 for House Amendment No. 39**.

House Substitute Amendment No. 1

for
House Amendment No. 39

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 82, Section 204.640, Line 11, by adding after the period the following new language:

“Any political entity of this state that performs storm water and/or wastewater public works projects that exceed or are planned to exceed ten billion dollars shall develop rules or ordinances for the control of costs and the schedule for cost reimbursable contracts. The rules or ordinances shall be included in the terms and conditions of contracts with all consultants, suppliers and contractors providing services, materials or construction on a cost reimbursable basis for cost plus contracts in excess of one million dollars and/or contracts which may exceed three years. Such rules or ordinances must include specific reporting requirements and standards of allowable costs and schedule variation beyond which the political entity’s management intervention and corrective action shall be mandatory.

The rules or ordinances shall include within its purview the functions of planning, directing, coordinating, funds commitment, funding, public interaction, advertising for the selection of professional consultants, legal counsel and auditing of such public works. The rules or ordinances may authorize the use of consultants, but it shall not delegate management prerogatives or fiduciary authority that is inherent to such political entity. The rules or ordinances shall insure adequate checks and balances such that a single consultant shall not be utilized to determine costs, develop internal controls or develop performance standards that could influence either allowable costs or fees for services, which that consultant may provide. Data bases developed, updated or maintained by a consultant providing services to the political entity shall be the sole property of the entity.

The rules or ordinances shall be determined by the governing body of said public entity in conformance with chapter 610 RSMo. The public entity shall accept public testimony and a public comment period of not less than thirty days after the initial draft of said rules or ordinances and prior to final disposition.”; and

Further amend the title and enacting clause accordingly.

On motion of Representative Bowman, **House Substitute Amendment No. 1 for House Amendment No. 39** was adopted.

Representative Riback Wilson (25) offered **House Amendment No. 40.**

Representative Dempsey raised a point of order that **House Amendment No. 40** is out of order pursuant to Rule 86.

Representative Britt requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Dempsey offered **House Amendment No. 40.**

House Amendment No. 40

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 38, Section 82.300, Line 21, by inserting after all of said line the following:

"92.045. 1. Any constitutional charter city in this state which now has or may hereafter acquire a population

in excess of three hundred fifty thousand inhabitants, according to the last federal decennial census, is hereby authorized, for city and local purposes, to license, tax, and regulate the occupation of merchants, manufacturers, and all businesses, avocations, pursuits, and callings that are not exempt from the payment of licenses by law and may, by ordinance, base such licenses on gross receipts, gross profits or net profits, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method or measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities **or airports owned, controlled or maintained by such cities.**

2. The local legislative body may grant by ordinance to its administering tax official the power to adopt regulations and rules relating to any matters pertaining to the administration and enforcement of any ordinances enacted in accordance with the authority heretofore given. Copies of such regulations and rules shall be kept in the office of such tax official designated in such ordinance and shall be open to inspection by the public. Said regulations or rules may be changed or amended from time to time."; and

Further amend said bill, Page 111, Section 263.232, Line 24, by inserting immediately after said line the following:

"305.510. 1. "The Missouri-St. Louis Metropolitan Airport Authority" is hereby established. The authority is a body corporate and a political subdivision of the state and shall be known as "The Missouri-St. Louis Metropolitan Airport Authority", and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area.

2. [After June 30, 1983, the general assembly shall not appropriate or expend any state moneys for the implementation and continuation of this section or the Missouri-St. Louis metropolitan airport authority.] **Beginning January 1, 2004, the authority shall be responsible for the operation of any and all international airports located in Missouri within fifty miles of the city of St. Louis, and shall exercise any and all powers granted to it in this chapter in the exercise of this responsibility. Nothing herein shall be construed to change the ownership of such international airport.**

3. The authority shall honor all bonds, debts, outstanding obligations and contracts and employee pension plans of any airport or airport authority affected by this section.

4. The operation of such airport by the authority shall replace the operation by any other entity created by local ordinance.

5. Any profit from the operation of any airport or airport authority affected by this section shall continue to be received by the city of St. Louis.

6. The provisions of sections 305.510 and 305.515 shall not affect the tax authorized pursuant to section 92.045, RSMo.

305.515. 1. [The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the first two years. Thereafter, the authority membership shall elect a member to serve as chairman.] The mayor of the city of St. Louis [and the supervisor], **the county executive of St. Louis County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin counties**, with the advice and consent of their respective governing bodies, shall each appoint [three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county commissions of Jefferson, Franklin and St. Charles counties shall each appoint one member of the authority, each such member to serve a term of four years. Thereafter, all appointments shall be for a term of four years] **one member of the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the commission. The first, third and fifth members initially appointed by an appointing authority shall be appointed for a term of four years. The second, fourth and sixth initial members shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority. Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall**

be filled by appointment by the person making the original appointment for the unexpired remainder of the term. **The authority membership shall elect a member to serve as chairman.**

2. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority."; and

Further amend said bill, Page 130, Section 1, Line 10, by inserting immediately after said line the following:

"Section B. The repeal and reenactment of sections 305.510 and 305.515 shall become effective on January 1, 2004."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Dempsey moved that **House Amendment No. 40** be adopted.

Which motion was defeated.

Representative Gaskill offered **House Amendment No. 41**.

Representative Fraser raised a point of order that **House Amendment No. 41** goes beyond the scope of the bill.

Representative Britt requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Riback Wilson (25) offered **House Amendment No. 41**.

Representative Villa assumed the Chair.

Representative Byrd raised a point of order that **House Amendment No. 41** goes beyond the scope of the bill.

Representative Villa requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Bray offered **House Amendment No. 41**.

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting after all of said line the following:

"162.291. The voters of each seven-director district other than urban districts shall, at municipal elections, elect two directors who are citizens of the United States and resident taxpayers of the district, who have resided in [this state] **such district** for one year next preceding their election or appointment, and who are at least twenty-four years of age."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Bray, **House Amendment No. 41** was adopted.

Representative Gambaro offered **House Amendment No. 42**.

House Amendment No. 42

AMEND House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting after all of said line the following:

"162.605. 1. In addition to the members appointed to the board pursuant to section 162.601, there shall be appointed two additional school board members from the school district at large. Any member appointed pursuant to this section shall:

(1) Be a resident of the city;
(2) Be appointed by the mayor of the city; and
(3) Serve a term of four years, or until a successor is appointed and is qualified. Members may be appointed to additional four-year terms.

2. The first member appointed pursuant to this section shall be appointed immediately after the effective date of this section, and successive appointments for such seat shall occur every four years from the date of such initial appointment. The second member appointed pursuant to this section shall be appointed immediately prior to the 2003-2004 school year, and successive appointments for such seat shall occur every four years from the date of such appointment.

3. The mayor shall appoint members to fill any vacancy created by any member appointed pursuant to this section.

4. Any board member appointed pursuant to this section shall be a member of equal standing with all other members of such board, and all other laws applicable to such board members shall apply to members appointed pursuant to this section, except as otherwise provided in this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Gambaro, **House Amendment No. 42** was adopted.

Representative Ward offered **House Amendment No. 43**.

Representative Ransdall raised a point of order that **House Amendment No. 43** goes beyond the scope of the bill.

Representative Villa requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Kennedy offered **House Amendment No. 43**.

Representative Seigfreid raised a point of order that **House Amendment No. 43** goes beyond the scope of the bill.

Representative Villa requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Scheve offered **House Amendment No. 43**.

Speaker Pro Tem Abel resumed the Chair.

House Amendment No. 43 was withdrawn.

On motion of Representative Hoppe, **HS HCS SB 125, as amended**, was adopted by the following vote:

AYES: 070

Barnett	Barnitz	Barry 100	Berkowitz	Berkstresser
Black	Bonner	Bray 84	Britt	Burcham
Byrd	Campbell	Crawford	Crump	Cunningham
Davis	Dempsey	Enz	Fares	Foley
Franklin	Fraser	Gambaro	Gaskill	George
Graham	Green 73	Griesheimer	Hagan-Harrell	Harding
Harlan	Hartzler	Hegeman	Henderson	Hickey
Hilgemann	Hohulin	Holt	Hoppe	Hosmer
Jetton	Kelly 27	Kelly 36	Kennedy	Koller
Legan	Liese	Lowe	Luetkenhaus	Mayer
Mays 50	McKenna	Merideth	Naeger	O'Connor
Portwood	Ransdall	Reinhart	Richardson	Robirds
Scheve	Seigfreid	Shelton	Skaggs	Treadway
Villa	Ward	Williams	Willoughby	Wilson 25

NOES: 045

Bartle	Bearden	Behnen	Bland	Boatright
Boykins	Champion	Cierpiot	Coleman	Cooper
Crowell	Curls	Farnen	Hampton	Hanaway
Haywood	Hendrickson	Hunter	Johnson 61	Kelly 144
King	Levin	Luetkemeyer	Marsh	May 149
Moore	Murphy	Phillips	Purgason	Rector
Reid	Relford	Reynolds	Ridgeway	Roark
Ross	Secrest	Selby	Shields	St. Onge
Thompson	Townley	Vogel	Walton	Wilson 42

PRESENT: 000

ABSENT WITHLEAVE: 045

Abel	Baker	Ballard	Bartelsmeyer	Boucher
Bowman	Brooks	Burton	Carnahan	Clayton

Copenhaver	Dolan	Ford	Froelker	Gratz
Green 15	Holand	Hollingsworth	Johnson 90	Jolly
Kelley 47	Lawson	Linton	Lograsso	Long
Marble	Miller	Monaco	Myers	Nordwald
O'Toole	Ostmann	Overschmidt	Rizzo	Schwab
Scott	Shoemyer	Smith	Surface	Troupe
Van Zandt	Wagner	Wiggins	Wright	Mr. Speaker

VACANCIES: 003

Representative Relford moved that **HS HCS SB 125, as amended**, be referred to the Committee on Fiscal Review and Government Reform.

Which motion was adopted.

REFERRAL OF SENATE BILL

HS HCS SB 125, as amended, was referred to the Committee on Fiscal Review and Government Reform (Fiscal Note).

PERFECTION OF HOUSE BILLS - INFORMAL

HCS HB 113, relating to state building contracts, was taken up and placed back on the Informal Calendar.

HCS HBs 853 & 258, relating to concealable weapons, was taken up and placed back on the Informal Calendar.

HCS HBs 186 & 172, relating to the sales and use tax holiday, was taken up and placed back on the Informal Calendar.

HCS HBs 888, 942 & 943, relating to the tobacco settlement, was taken up and placed back on the Informal Calendar.

HCS HB 472, relating to utility access to public rights-of-way, was taken up and placed back on the Informal Calendar.

HCS HB 293, relating to the contiguous property redevelopment fund, was taken up and placed back on the Informal Calendar.

HCS HBs 663 & 375, relating to property tax collections, was taken up and placed back on the Informal Calendar.

HCS HB 170, relating to property tax collections, was taken up and placed back on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 416, relating to child labor, was placed on the Informal Calendar.

HCS SCS SB 266, relating to Department of Health programs, was placed on the Informal Calendar.

HCS SS SCS SB 369, relating to utility access to public rights-of-way, was placed on the Informal Calendar.

HCS SB 392, relating to tax incentives for economic development, was placed on the Informal Calendar.

HCS SS SCS SBs 433 & 248, relating to intoxication torts, was placed on the Informal Calendar.

HCS SS SCS SBs 476, 427 & 62, relating to election laws, was placed on the Informal Calendar.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SS SCS SB 226 - Fiscal Review and Government Reform (Fiscal Note)

HCS SB 392 - Fiscal Review and Government Reform (Fiscal Note)

SB 337 - Critical Issues, Consumer Protection and Housing

COMMITTEE REPORTS

Committee on Miscellaneous Bills and Resolutions, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SS SCS SB 226**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SB 470**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND Senate Bill No. 470, Page 1, Section 8.003, Line 6, by deleting all of said line and inserting in lieu thereof the following:

"one employee of the house of representatives appointed by the speaker of the house of representatives and one

employee of the senate appointed by the president pro tempore; and four members appointed by the governor with the advice and consent of"; and

Further amend said bill, Page 2, Section 8.003, Line 12, by deleting the word "six" and inserting in lieu thereof "four"; and

Further amend said bill, Page 2, Section 8.003, Line 16, by deleting the word "six" and inserting in lieu thereof "four"; and

Further amend said title, enacting clause and intersectional references accordingly.

**CONFERENCE COMMITTEE REPORT NO. 2
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 567**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 15 and Senate Amendment No. 16, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 567;
3. That the attached Conference Committee Amendment No. 1 be adopted;
4. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, with Conference Committee Amendment No. 1, be adopted.

FOR THE HOUSE:

/s/ Rep. Charles Nordwald
/s/ Rep. Joseph Treadway

FOR THE SENATE:

/s/ Sen. David Klarich
/s/ Sen. Bill Kenney

/s/ Rep. Rick Johnson
/s/ Rep. Wes Shoemyer

/s/ Sen. Morris Westfall
/s/ Sen. Patrick Dougherty
/s/ Sen. Harry Wiggins

House Conference Committee Amendment No. 1

AMEND Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 69, Section 324.1104, Line 15 of said page, by deleting all of said line and inserting in lieu thereof the following:

"(6) Insurers and their employees, and agents and insurance brokers licensed by the"; and

Further amend said bill, Page 69, Section 324.1104, Lines 18 to 20 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"(7) Any bank, its affiliate or parent subject to the jurisdiction of the director of the division of finance of the state of Missouri or any other state, or under the jurisdiction of a federal regulatory agency."; and

Further amend said bill, Page 157, Section 327.603, Lines 13 and 14 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"subdivisions while performing duties for the state of Missouri or a political subdivision"; and

Further amend said title, enacting clause and intersectional references accordingly.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE BILL NO. 193**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate on House Committee Substitute for Senate Substitute for Senate Bill No. 193, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 193, with House Amendments Nos. 1 and 2;
2. That the House recede from its position on House Amendments Nos. 1 and 2 to House Committee Substitute for Senate Substitute for Senate Bill No. 193;
3. That the attached Conference Committee Amendment No. 1 be adopted;
4. That House Committee Substitute for Senate Substitute for Senate Bill No. 193, with

Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Steve Henderson
/s/ Chuck Surface
/s/ Dan Ward
/s/ Bill Luetkenhaus
/s/ Chris Liese

FOR THE SENATE:

/s/ Larry Rohrbach
/s/ David Klindt
/s/ Bill Kenney
/s/ John Scott
/s/ Ken Jacob

House Conference Committee Amendment No. 1

AMEND Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 193, Page 1, In the Title, Line 6, by striking the word “**thirty-one**” and inserting in lieu thereof the word “**thirty**”; and

Further amend said bill, Page 1, Section A, Line 5, by striking the word “**thirty-one**” and inserting in lieu thereof the word “**thirty**”; and

Further amend Line 7, by striking the following: “, 375.023”; and

Further amend said bill, Pages 1-2, Section 148.400, Lines 1-10, by striking all of said lines and inserting in lieu thereof the following:

“148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or interinsurance exchange to the extent attributable to the principal business as such attorney in fact, under any law of this state. **Unless rejected by the general assembly by April 1, 2003, for all tax years beginning on or after January 1, 2003, a deduction for examination fees which exceeds an insurance company’s or association’s premium tax liability for the same tax year shall not be refundable, but may be carried forward to any subsequent tax year, not to exceed five years, until the full deduction is claimed; except that, notwithstanding the provisions of section 148.380, if any deduction is claimed through the carryforward provisions of this section, it shall be credited wholly against the general revenue fund and shall not cause a reduction in revenue to the county foreign insurance fund.**”; and

Further amend said bill, Page 6, Section 375.014, Line 53, by inserting at the end of said line the following: “**or**”; and

Further amend Line 55, by striking the following: “; **or**” and inserting in lieu thereof the following: “.”; and

Further amend Lines 56-59 by striking all of said lines; and

Further amend said bill, Page 19, Section 375.023, Line 1, by striking the following: “**375.023. 1.**” and inserting in lieu thereof the following: “**5.**”; and

Further amend Pages 20 and 21 by renumbering the subsections and amending the intersectional references accordingly; and

Further amend said bill, Page 27, Section 375.076, Line 10, by inserting immediately after the word “**person**” the word “**for**”; and

Further amend said bill, Page 36, Section B, Lines 5-6, by striking the following: "**sections 375.015 and 375.023**" and inserting in lieu thereof the following: "**section 375.015**".

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NOS. 323 & 230**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230 with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 and House Amendment No. 11, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230;
3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230 be adopted.

FOR THE HOUSE:

/s/ Rep. Don Koller
/s/ Rep. Francis Overschmidt
/s/ Rep. Mark Hampton
/s/ Rep. Estel Robirds
/s/ Rep. Judy Berkstresser

FOR THE SENATE:

/s/ Sen. Doyle Childers
/s/ Sen. Sidney Johnson
/s/ Sen. Roseann Bentley
/s/ Sen. Sarah Steelman
/s/ Sen. James Mathewson

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE**

**FOR
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 267**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267 with House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Substitute Amendment No. 1 for House Amendment No. 10, House Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14, House Amendment No. 15, and House Amendment No. 16, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 267;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, be adopted.

FOR THE HOUSE:

/s/ Rep. Don Lograsso
/s/ Rep. Richard Byrd
/s/ Rep. Ralph Monaco
/s/ Rep. Craig Hosmer
/s/ Rep. Russ Carnahan

FOR THE SENATE:

/s/ Sen. David Klarich
/s/ Sen. Michael Gibbons
/s/ Sen. Sarah Steelman
/s/ Sen. Ken Jacob
/s/ Sen. Harold Caskey

**CONFERENCE COMMITTEE REPORT NO. 2
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE**

**FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILLS NOS. 144 & 46**

Mr. Speaker: Your Conference Committee, appointed to confer with a like Committee of the Senate, on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 & 46, with Senate Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 & 46, as amended;
2. That the House recede from its position on House Committee Substitute for House Bills Nos. 144 & 46;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 & 46 be Truly Agreed To and Finally Passed.

FOR THE HOUSE:

/s/ Matt Bartle
/s/ Connie Cierpoit
/s/ Ralph Monaco
/s/ Dennis Bonner
/s/ Randall Relford

FOR THE SENATE:

/s/ Bill Kenney
/s/ Ronnie DePasco
/s/ James Mathewson
/s/ Bill Foster
/s/ David Klarich

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 **HS HCS HB 425**, entitled:

An act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 4, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 14 and Senate Amendment No. 15.

Senate Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Line 23 of said page, by inserting after all of said line the following:

“5. An annual audit or review of the notification center shall be performed by a certified public accountant and a report of the findings submitted to the speaker of the house of representatives and the president pro tem of the senate.”.

Senate Amendment No. 4

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 8, Section 319.026, Line 72 of said page, by inserting after all of said line the following:

“319.028. 1. On or after January 1, 2003, an owner or operator of underground facilities, who has become a participant in the notification center as required in section 319.022, will maintain participation in the notification center, unless it is determined that the inaccuracy rate of the notification center reaches 15%. The accuracy rate shall be determined by the number of notifications of an excavation, where the owner or operator has no underground facilities at the excavation site, as described in the excavators notification, divided by the total number of notifications to an owner or operator of underground facilities during any 12 month period.

2. Once the notification center has an inaccuracy rate of 15% or higher for any owner or operator of underground facilities, then any such owner or operator may withdraw from participation in the notification center by providing written notice to the notification center of its withdrawal. The owner or operator shall then file with the Recorder of Deeds for each County it has underground facilities, a statement that it has underground facilities and a name and phone number of a contract person that excavators shall contract and notify of its intent to excavate. The owner or operator shall also publish, at least quarterly, in a newspaper or other publication of general circulation in counties that have underground facilities a statement that the owner or operator has underground facilities and who the excavator shall contact regarding its intent to excavate.

3. After January 1, 2003, in the event that an owner or operator withdraws from the notification center no party may use in an any legal proceeding the fact that an owner or operator has withdrawn from the notification center as evidence to establish negligence, recklessness, lack of adherence to industry standards, or any other manner which would suggest that the owner or operator failed to comply with any standard of care.”;
and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 70 of said page, by inserting after the word “that” the following: **“where”**; and

Further amend Line 72 of said page by inserting after the closing bracket “]” the following: **“are”**; and

Further amend Line 73 of said page by striking “which is” and insert in lieu thereof the following: **“and such lines or facilities are”**; and

Further amend Line 73 of said page by inserting at the end of said line the following: **“, such lines or facilities”**; and

Further amend said bill, Page 10, Section 319.030, Line 51 of said page, by striking “the methods indicated above,” and insert in lieu thereof the following:

“that a person is available at the telephone number given in the notice between 8:00 a.m. and 5:00 p.m. on each working day or that the excavator's telephone is equipped with a recording device or that a facsimile number is provided for receiving facsimile messages, then”; and

Further amend said bill, Page 11, Section 319.036, Line 5 of said page, by striking “[of record]”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Lines 72-73, by striking the words “located on the real property to which such lines provide service which is”; and

Further amend Line 73 by inserting at the end of said line the following: “**receiving service**”.

Senate Amendment No. 14

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 12, Section 319.041, Line 1, by inserting a “[” before “**No**” on said line; and

Further amend said section, Line 4, by inserting a “[” after “**318.026.**”; and

Further amend said section and line, by inserting before “**Notwithstanding**” the following:

“Nothing in the foregoing shall relieve an excavator from the obligation to excavate in a safe and prudent manner, nor shall it absolve an excavator from liability for damage to legally installed facilities.”.

Senate Amendment No. 15

AMEND House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Lines 4-11, by striking said lines and inserting in lieu thereof the following:

“2. [A] All owners and operators of underground facilities which are located in a county of the first classification or second classification within the state who are not members of a notification center on August 28, 2001, shall become participants in the notification center prior to January 1, 2003. Any person who installs or otherwise becomes an owner or operator of an underground facility which is located within a county of the first classification or second classification on or after January 1, 2003, shall become a participant in the notification center within thirty days of acquiring or operating such underground facility. Beginning January 1, 2003, all owners and operators of underground facilities which are located in a county of the first classification or second classification within the state shall maintain participation in the notification center.

3. All owners and operators of underground facilities which are located in a county of the third classification or fourth classification within the state who are not members of a notification center on August 28, 2001, shall become participants in the notification center prior to January 1, 2005. Any person who installs or otherwise becomes an owner or operator of an underground facility which is located within a county of the third classification or fourth classification on or after January 1, 2005, shall become a participant in the notification center within thirty days of acquiring or operating such underground facility. Beginning January 1, 2005, all owners and operators of underground facilities which are located in a county of the third classification or fourth classification within the state shall maintain participation in the notification center.”.

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 adopted the Conference Committee Report on **SCS HCS HB 12**, and has taken up and passed **CCS SCS HCS HB 12**.

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

Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 14**, and has taken up and passed **CCS SCS HCS HB 14**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HS HCS SS SCS SB 267, as amended**, and has taken up and passed **CCS HS HCS SS SCS SB 267**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SB 319, as amended**: Senators Bland, Stoll, Bentley, Yeckel and Kenney.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Friday, May 11, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Seventieth Day, Wednesday, May 9, 2001, page 1755, roll call, by showing Representatives Barry, Kelly (144) and Kelly (27) voting "aye" rather than "absent with leave".

Pages 1757 and 1758, roll call, by showing Representatives Crump and Ridgeway voting "aye" rather than "absent with leave".

Pages 1758 and 1759, roll call, by showing Representatives Behnen, Crump, Fares, Ridgeway and Surface voting "aye" rather than "absent with leave".

Pages 1759 and 1760, roll call, by showing Representative Secrest voting "aye" rather than "absent with leave".

Page 1760, roll call, by showing Representative Ridgeway voting "aye" rather than "absent with leave".

Pages 1760 and 1761, roll call, by showing Representatives Champion, Fares and Purgason voting "aye" rather than "absent with leave".

Pages 1761 and 1762, roll call, by showing Representatives Boatright, Crawford and Purgason voting "aye" rather than "absent with leave".

Page 1763, roll call, by showing Representatives Crump and Purgason voting "aye" rather than "absent with leave".

Pages 1767 and 1768, roll call, by showing Representative Sanders Brooks voting "present"

rather than "absent with leave".

Pages 1767 and 1768, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1768 and 1769, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1769 and 1770, roll call, by showing Representative Boykins voting "no" rather than "aye".

Pages 1769 and 1770, roll call, by showing Representative Hosmer voting "aye" rather than "absent with leave".

Pages 1770 and 1771, roll call, by showing Representative Boykins voting "no" rather than "aye".

Pages 1770 and 1771, roll call, by showing Representative Sanders Brooks voting "present" rather than "absent with leave".

Pages 1771 and 1772, roll call, by showing Representatives Berkstresser, Sanders Brooks and Ridgeway voting "aye" rather than "absent with leave".

Pages 1772 and 1773, roll call, by showing Representatives Sanders Brooks, Hosmer and McKenna voting "aye" rather than "absent with leave".

Pages 1773 and 1774, roll call, by showing Representatives Sanders Brooks, Hosmer and McKenna voting "aye" rather than "absent with leave".

Pages 1773 and 1774, roll call, by showing Representative Boatright voting "no" rather than "absent with leave".

Pages 1774 and 1775, roll call, by showing Representatives Sanders Brooks, Hosmer and McKenna voting "aye" rather than "absent with leave".

Pages 1775 and 1776, roll call, by showing Representative Portwood voting "aye" rather than "absent with leave".

Pages 1777 and 1778, roll call, by showing Representatives Portwood and Ridgeway voting "aye" rather than "absent with leave".

Pages 1777 and 1778, roll call, by showing Representative Robirds voting "no" rather than "absent with leave".

Pages 1778 and 1779, roll call, by showing Representatives Boucher, Sanders Brooks and

Portwood voting "aye" rather than "absent with leave".

Pages 1779 and 1780, roll call, by showing Representatives Boucher, Sanders Brooks, McKenna and Portwood voting "aye" rather than "absent with leave".

Page 1780, roll call, by showing Representatives Sanders Brooks and Portwood voting "aye" rather than "absent with leave".

Page 1781, roll call, by showing Representative Copenhaver voting "aye" rather than "absent with leave".

Pages 1781 and 1782, roll call, by showing Representatives Sanders Brooks, Burcham, Kelly (144), McKenna, Portwood and Ridgeway voting "aye" rather than "absent with leave".

Pages 1782 and 1783, roll call, by showing Representatives Sanders Brooks, Berkstresser and McKenna voting "aye" rather than "absent with leave".

Pages 1783 and 1784, roll call, by showing Representatives Sanders Brooks, Berkstresser, Burcham, Crump, Kelly (27), McKenna and Portwood voting "aye" rather than "absent with leave".

Pages 1784 and 1785, roll call, by showing Representative Crump voting "aye" rather than "absent with leave".

Pages 1785 and 1786, roll call, by showing Representatives Crump, Kelly (144) and Miller voting "aye" rather than "absent with leave".

Pages 1786 and 1787, roll call, by showing Representatives Barnett, Boucher, Sanders Brooks, Crump, Froelker, Hosmer, Kelly (27) and Scott voting "aye" rather than "absent with leave".

Pages 1787 and 1788, roll call, by showing Representatives Sanders Brooks, Crump, Froelker, Hosmer, Kelly (27), Portwood and Shields voting "aye" rather than "absent with leave".

Pages 1787 and 1788, roll call, by showing Representative Reinhart voting "no" rather than "absent with leave".

Pages 1788 and 1789, roll call, by showing Representatives Sanders Brooks, Crump, Dempsey, Hosmer, Portwood, Reynolds and Scott voting "aye" rather than "absent with leave".

Pages 1788 and 1789, roll call, by showing Representative Crowell voting "no" rather than "absent with leave".

Pages 1792 and 1793, roll call, by showing Representatives Berkstresser and Naeger voting "aye" rather than "absent with leave".

Pages 1793 and 1794, roll call, by showing Representatives Sanders Brooks, Kelly (27) and

Ridgeway voting "aye" rather than "absent with leave".

Pages 1794 and 1795, roll call, by showing Representative Shields voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Friday, May 11, 2001, 9:30 am. Room 414.

CRITICAL ISSUES, CONSUMER PROTECTION AND HOUSING

Monday, May 14, 2001, 8:00 p.m. Hearing Room 3.

Executive Session may follow.

To be considered - SB 337

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Monday, May 14, 2001, 8:00 am. Hearing Room 1.

Quarterly business meeting. Release of Oversight reports. AMENDED.

HOUSE CALENDAR

SEVENTY-SECOND DAY, FRIDAY, MAY 11, 2001

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 15 & 13 - Crawford

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 457, HA 2, as amended, tabled - Kreider
- 2 HCS HB 593 - Riback Wilson (25)
- 3 HCS HB 239 - Smith
- 4 HB 802 - Ransdall
- 5 HCS HB 374 - Fraser
- 6 HCS HB 635 - Barry
- 7 HCS HB 868 - Merideth
- 8 HCS HB 253 - Ross
- 9 HB 809, HCA 1 - Carnahan
- 10 HCS HB 340, 303 & 316 - Graham
- 11 HB 640 - Johnson (90)
- 12 HCS HB 723 - Mays (50)
- 13 HCS HB 117 - Riback Wilson (25)
- 14 HCS HB 307 - Wiggins
- 15 HCS HB 921 - Curls
- 16 HB 911 - Carnahan

- 17 HCS HB 511 - Johnson (90)
- 18 HB 63 - Reynolds
- 19 HCS HB 93 - Gaskill

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HCS HB 853 & 258 - Crump
- 3 HCS HB 186 & 172 - Troupe
- 4 HCS HB 888, 942 & 943 - Scheve
- 5 HCS HB 472 - Burton
- 6 HCS HB 293 - Kennedy
- 7 HCS HB 663 & 375 - Kennedy
- 8 HCS HB 170 - Froelker

HOUSE BILLS FOR THIRD READING

- 1 HB 527, (Fiscal Review 4-19-01) - Luetkenhaus
- 2 HB 366, E.C. - Champion
- 3 HS HB 286, E.C. - Smith
- 4 HS HB 715 - Foley

SENATE CONCURRENT RESOLUTION FOR SECOND READING

SCR 31

SENATE JOINT RESOLUTIONS FOR THIRD READING

- 1 HCS SS SCS SJR 1 & 4, (Fiscal Review 5-2-01) - O'Toole
- 2 SS SJR 9 - Gambaro

SENATE BILLS FOR THIRD READING

- 1 HS HCS SB 125, as amended (Fiscal Review 5-10-01) - Hoppe
- 2 HCS SB 460 - Kennedy
- 3 HCS SB 72 - Smith
- 4 HCS SCS SB 236, E.C. - Ladd Baker
- 5 SB 500 - Rizzo
- 6 SB 370, HCA 1 - Smith
- 7 SCS SB 290 - Rizzo
- 8 HCS SCS SB 486 & SB 422 - Hoppe
- 9 HCS SS SB 244 - Koller
- 10 HCS SB 365 - Overschmidt
- 11 HCS SCS SB 591 - Hoppe

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- 12 HCS SCS SB 617 - Rizzo
- 13 HCS SB 288, E.C.(Fiscal Review 5-7-01) - Monaco
- 14 SCS SB 393, E.C. - Treadway
- 15 SCS SB 374 - Ransdall
- 16 HCS SS SCS SB 48 - Hollingsworth
- 17 SS#2 SCS SB 22 & 106, E.C. (Fiscal Review 5-8-01) - Scheve
- 18 SS SCS SB 351, HCA 1 - Hosmer
- 19 HCS SCS SB 10 - Monaco
- 20 HCS SB 275 - Levin
- 21 HCS SS SCS SB 226, (Fiscal Review 5-10-01) - Foley
- 22 SB 470, HCA 1 - O'Toole

SENATE BILLS FOR THIRD READING - INFORMAL

- 1 SB 123 - Hampton
- 2 SB 416 - Wagner
- 3 HCS SCS SB 266 - Barry
- 4 HCS SS SCS SB 369 - Burton
- 5 HCS SB 392, (Fiscal Review 5-10-01) - Rizzo
- 6 HCS SS SCS SB 433 & 248 - Hoppe
- 7 HCS SS SCS SB 476, 427 & 62 - Seigfreid

SENATE BILL FOR THIRD READING - CONSENT - INFORMAL

SB 556 - Hoppe

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 955, SCA 1 - Green (73)
- 2 SS HCR 5, as amended - Mays (50)
- 3 SCS HB 498 - Wagner
- 4 SCS HCR 24 - Boucher
- 5 SCS HB 157 - Hosmer
- 6 HS HCS HB 425, SAs 1, 4, 8, 9, 14 & 15 - O'Toole
- 7 SCS HCS HB 205, 323 & 549 - Relford

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SB 304, (request House recede/grant conference) - Monaco

- 2 HCS SCS SB 151, (House refuse to adopt CCR/request Senate
grant further conference) - Gaskill

BILLS IN CONFERENCE

- 1 HCS SB 462, as amended, E.C. - Legan
- 2 CCR HCS SS SB 193, as amended - Ward
- 3 HCS SB 610 - Hoppe
- 4 CCR HS HCS SS SCS SB 267, as amended - Monaco
- 5 CCR#2 SS SCS HCS HB 567, as amended, E.C. - Treadway
- 6 SCS HCS HB 302 & 38, as amended, E.C. - Hosmer
- 7 CCR#2 SS SCS HCS HB 144 & 46, as amended - Bonner
- 8 CCR HS SS SCS SB 323 & 230, as amended - Koller
- 9 SS SCS HS HB 421, as amended - Hoppe
- 10 HCS SB 319, as amended - Johnson (61)

HOUSE RESOLUTION

HR 922, (5-8-01, pages 1734 & 1735) - Ladd Baker