

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

SIXTY-EIGHTH DAY, WEDNESDAY, MAY 12, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

We cry out to You our God, "O Lord, there is none like You to help, between the mighty and the weak. Help us, O Lord our God, for we rely on You, and by Your grace we have championed the cause of the citizens of our districts. Yet we have much more to do."

Many say that You will never help us. Prove them wrong, O Lord, by letting the light of Your presence shine down upon us. By the liberality of Your wisdom showered upon us. By the strength of Your directive clearly communicated to us.

You have put gladness in our hearts. We are able to rest each night in peace, confident that our decisions are right for the people of this state.

And when our job is done, may we return to our families, our districts, our private lives, and future pursuits knowing that You alone make us dwell in safety.

Now may the grace of God be with us all.

In the name of Your Son we pray. 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: Flint Limberg, Katie Hale, Rachel Kohl, James Meenach, Joel Meenach, Jared West, Brittni Cambron, Spencer Powell, Ryan Merrifield, Hannah Wille, Anna Warren, Logan Lashley, Cameron Hackley, Miranda VanFossen, Taylor Mellon, Kallan Conger, Kierra Potter, Daniel Walker, Justin Howe, Elaina Sells, Mikaela Spires, Cody Agee, Tanner Lynn and Ronald Williams.

The Journal of the sixty-seventh day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2987	-	Representatives Skaggs and Bishop
House Resolution No. 2988	-	Representative Riback Wilson (25)
House Resolution No. 2989	-	Representative Witte
House Resolution No. 2990	-	Representative Wilson (119)

House Resolution No. 2991 - Representative Ervin
House Resolution No. 2992
and
House Resolution No. 2993 - Representative Bean
House Resolution No. 2994
and
House Resolution No. 2995 - Representative Wilson (130)
House Resolution No. 2996 - Representative Johnson (47)
House Resolution No. 2997 - Representative Dixon
House Resolution No. 2998 - Representative Crawford
House Resolution No. 2999 - Representative Quinn

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 758**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SCS SB 968 and SCS SB 969, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SCS SBs 1020, 889 & 869, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the conferees be allowed to exceed the differences on **HS HB 1487, as amended**, by adding an affirmative defense clause on the crime of child kidnapping.

BILLS IN CONFERENCE

HS HB 1487, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 2 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2, relating to kidnapping a child, was taken up by Representative Self.

Representative Self moved that the conferees be allowed to exceed the differences by allowing them to add the affirmative defense language to the kidnapping provision.

Which motion was adopted.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1305**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1305, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 2 to Senate Amendment No. 1, and Senate Amendment No. 1 as amended, begs leave to report that we, after free and fair discussion of the differences, 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. 1305, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1305;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1305, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Sen. Delbert Scott
/s/ Sen. John Loudon
/s/ Sen. John Cauthorn

FOR THE HOUSE:

/s/ Rep. Richard Byrd
/s/ Rep. Rod Jetton
/s/ Rep. Jason Crowell

THIRD READING OF SENATE BILLS

HCS SCS SB 1365, relating to veterans' education outreach programs, was taken up by Representative Jackson.

On motion of Representative Jackson, **HCS SCS SB 1365** was adopted.

On motion of Representative Jackson, **HCS SCS SB 1365** was read the third time and passed by the following vote:

AYES: 148

Abel	Angst	Baker	Barnitz	Bean
Bearden	Bishop	Bivins	Black	Bland
Bough	Bringer	Brooks	Brown	Bruns
Burnett	Byrd	Carnahan	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86

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Curls	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Haywood	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Icet
Jackson	Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36	King
Kingery	Kratky	Kuessner	Lager	Lawson
Lembke	LeVota	Liese	Lipke	Luetkemeyer
Marsh	May	Mayer	McKenna	Meadows
Meiners	Miller	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Swinger	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt	Wagner
Wallace	Walsh	Walton	Ward	Wasson
Whorton	Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 42	Witte	Wood	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 004

Campbell	Henke	Walker	Wilson 25
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PRESENT: 001

Lowe

ABSENT WITH LEAVE: 010

Avery	Behnen	Boykins	Darrough	Donnelly
Dougherty	Hunter	Skaggs	Sutherland	Wright

Speaker Hanaway declared the bill passed.

BILLS CARRYING REQUEST MESSAGES

HCS SCS SB 758, relating to local taxes, was taken up by Representative Nieves.

Representative Nieves moved that the House refuse to recede from its position on **HCS SCS SB 758** and grant the Senate a conference.

Which motion was adopted.

HS HCS SCS SBs 1020, 889 & 869, as amended, relating to the open records law, was taken up by Representative Goodman.

Representative Goodman moved that the House refuse to recede from its position on **HS HCS SCS SBs 1020, 889 & 869, as amended**, and grant the Senate a conference.

Which motion was adopted.

HS HCS SS SCS SB 968 and SCS SB 969, as amended, relating to school personnel, was taken up by Representative Baker.

Representative Baker moved that the House refuse to recede from its position on **HS HCS SS SCS SB 968 and SCS SB 969, as amended**, and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE CONCURRENT RESOLUTION

HCS SS SCR 26, relating to the Forestry Utilization Committee, was taken up by Representative Myers.

On motion of Representative Myers, **HCS SS SCR 26** was adopted.

On motion of Representative Myers, **HCS SS SCR 26** was read the third time and passed by the following vote:

AYES: 146

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dougherty
Dusenberg	El-Amin	Emery	Engler	Ervin
Fares	George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hobbs	Holand	Hoskins	Iceet
Jackson	Jetton	Johnson 47	Johnson 61	Johnson 90
Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Lager	Lawson	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer	Marsh
May	Mayer	McKenna	Meadows	Meiners
Miller	Moore	Morris	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Swinger	Taylor	Thompson	Threlkeld
Townley	Viebrock	Vogt	Wagner	Wallace

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Walsh	Walton	Ward	Wasson	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 130	Wilson 42
Witte	Wood	Yaeger	Yates	Zweifel
Madam Speaker				

NOES: 011

Daus	Donnelly	Fraser	Hilgemann	Hubbard
Jolly	Muckler	Villa	Walker	Wilson 25
Young				

PRESENT: 000

ABSENT WITH LEAVE: 006

Avery	Boykins	Darrough	Hunter	Kuessner
Wright				

Speaker Hanaway declared the bill passed.

BILLS IN CONFERENCE

CCR SCS HCS HB 1305, as amended, relating to medical malpractice insurance, was taken up by Representative Byrd.

Representative Byrd moved that the House adopt **CCR SCS HCS HB 1305, as amended**.

Representative Willoughby made a substitute motion that the House refuse to adopt **CCR SCS HCS HB 1305, as amended**, and return **CCR SCS HCS HB 1305, as amended**, to conference and bind the conferees to the Senate position to delete Section B.

Representative Crowell raised points of order that the substitute motion is not a true substitute motion; is a negative motion; and is deficient in that it fails to request that the Senate grant the House further conference.

The Chair ruled the points of order well taken.

Representative Byrd again moved that **CCR SCS HCS HB 1305, as amended**, be adopted.

Which motion was adopted by the following vote:

AYES: 121

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bivins	Black	Bough	Bringer
Brown	Bruns	Byrd	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	Emery
Engler	Ervin	Fares	Fraser	Goodman
Guest	Hampton	Harris 110	Henke	Hobbs

Hubbard	Hunter	Ice	Jackson	Jetton
Johnson 47	Jolly	Kelly 144	Kelly 36	King
Kingery	Kuessner	Lager	Lawson	Lembke
LeVota	Lipke	Luetkemeyer	Marsh	May
Mayer	McKenna	Meadows	Meiners	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Reinhart	Richard
Roark	Ruestman	Rupp	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Swinger	Taylor	Threlkeld	Townley	Viebrock
Wagner	Walker	Wallace	Ward	Wasson
Whorton	Wildberger	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Wood	Yates	Young	Zweifel
Madam Speaker				

NOES: 036

Abel	Bishop	Bland	Brooks	Burnett
Campbell	Carnahan	Curls	Daus	El-Amin
George	Graham	Green	Harris 23	Haywood
Hilgemann	Hoskins	Johnson 61	Johnson 90	Jones
Kratky	Liese	Lowe	Muckler	Ransdall
Sager	Salva	Shoemyer	Thompson	Villa
Vogt	Walsh	Walton	Willoughby	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 006

Avery	Boykins	Darrough	Holand	Rector
Wright				

On motion of Representative Byrd, **CCS SCS HCS HB 1305** was read the third time and passed by the following vote:

AYES: 130

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black	Bough
Bringer	Brown	Bruns	Byrd	Campbell
Carnahan	Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	Goodman
Graham	Guest	Hampton	Harris 110	Henke
Hobbs	Hoskins	Hubbard	Hunter	Ice
Jackson	Jetton	Johnson 47	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke	LeVota
Lipke	Luetkemeyer	Marsh	May	Mayer
McKenna	Meadows	Meiners	Miller	Moore
Morris	Munzlinger	Myers	Nieves	Page

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Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemaker	Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland	Swinger
Taylor	Threlkeld	Townley	Villa	Wagner
Walker	Wallace	Ward	Wasson	Whorton
Wildberger	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Wood	Yates	Young	Zweifel	Madam Speaker

NOES: 026

Abel	Bland	Brooks	Burnett	Curls
George	Green	Harris 23	Haywood	Hilgemann
Johnson 61	Johnson 90	Liese	Lowe	Muckler
Ransdall	Sager	Salva	Shoemyer	Thompson
Vogt	Walsh	Walton	Willoughby	Witte
Yaeger				

PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Boykins	Darrough	Holand	Rector
Viebrock	Wright			

Speaker Hanaway declared the bill passed.

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

AFTERNOON SESSION

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

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Anne Carpenter, Kirk Duncan, Katie Glassner, Kelly Hatfield, Greg Jacquin, Lauren Kaplan, Kiara Kincheloe, Rohit Malhotra, Laura Maloy-Edmondson, Patrick Martin, Amber McConkey, Risa Perkins, Kelly Riley, Allison Yamitz and Shawn Yancy.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3000	-	Representative Bringer
House Resolution No. 3001		
through		
House Resolution No. 3003	-	Representative Moore
House Resolution No. 3004	-	Representatives Pratt and Moore
House Resolution No. 3005		
and		
House Resolution No. 3006	-	Representative Pratt
House Resolution No. 3007	-	Representatives Pratt and Bruns

House Resolution No. 3008 - Representative Kelly (36)
House Resolution No. 3009 - Representative Spreng
House Resolution No. 3010 - Representative Whorton
House Resolution No. 3011 - Representative Bearden
House Resolution No. 3012 - Representative Donnelly
House Resolution No. 3013 - Representative Pratt
House Resolution No. 3014 - Representative St. Onge
House Resolution No. 3015 - Representative Yates
House Resolution No. 3016 - Representative Black
House Resolution No. 3017 - Representative Smith (14)
House Resolution No. 3018 - Representative Liese
House Resolution No. 3019 - Representative Hanaway
House Resolution No. 3020 - Representative Jackson
House Resolution No. 3021 - Representative Rector
House Resolution No. 3022 - Representative Schlottach

THIRD READING OF SENATE BILLS

HCS SB 1394, relating to tax collection, was taken up by Representative Cooper (120).

Representative Cooper (120) offered **HS HCS SB 1394**.

Representative Wilson (42) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 10, Section 32.087, Line 8, by inserting after all of said line the following:

"64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority.

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. [Each sports complex commissioner shall hold office until his successor has been appointed and qualified.]

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **If the county commission has not submitted a panel of three names to the governor within thirty days of the expiration of a commissioner's term, the governor shall immediately make an appointment to the commission with the advice and consent of the senate. In the event the governor does not appoint a replacement, no commissioner shall continue to serve beyond the expiration of that commissioner's term.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties. **No commissioner shall continue to serve beyond the expiration of that commissioner's term.**

64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

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

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including **any contributed funds and any** rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which **contributed funds**, rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation **by the authority**. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such

manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of **contributions and of rents**, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.

64.952. The Kansas and Missouri Metropolitan Kansas City Sports Complex Authority Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:

**KANSAS AND MISSOURI
METROPOLITAN KANSAS CITY
SPORTS COMPLEX AUTHORITY COMPACT
ARTICLE I. AGREEMENT AND PLEDGE**

The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the conversion of the Jackson County Sports Complex Authority into the Metropolitan Kansas City Sports Complex Authority should the former become a recipient of contributions from a bistate retail sales tax levied by the Metropolitan Culture District heretofore established pursuant to a compact of said states.

ARTICLE II. PURPOSE

The party states, having heretofore entered into a compact authorizing the creation of a Metropolitan Culture District that may make contributions from a bistate retail sales tax levied by the District for or in aid of cultural facilities, including those operated or used for sports, in counties which are part of the District, and desiring to provide Kansas counties in which such tax is levied a governance and oversight role should contributions from such tax be made for or in aid of the sports stadium facilities owned and operated by the Jackson County Sports Complex Authority, the purpose of this compact is to provide such a governance and oversight role.

ARTICLE III. CONVERSION

If the Jackson County Sports Complex Authority becomes a recipient of contributions to be made by the Kansas and Missouri Metropolitan Culture District created pursuant to section 70.500, RSMo, from a bistate retail sales tax levied by such District in at least Johnson County, Kansas and Jackson County, Missouri for the purposes of planning, constructing, equipping, repairing, extending or improving sports stadium facilities then owned and operated by the Authority or for the payment of principal of or interest on bonds or notes to be issued by the

Authority for such purposes, the Authority shall, effective upon the later of (i) the first day of the calendar quarter following the authorization of the levy of such tax in both Johnson County, Kansas and Jackson County, Missouri or (ii) the effective date of this compact pursuant to Article VI, become the Metropolitan Kansas City Sports Complex Authority, and the Jackson County Legislature and Executive shall issue such orders and make such filings in the offices of the governor of Missouri, the secretary of state of Missouri and elsewhere as may be necessary or appropriate to evidence such name change and the other changes made by this compact.

ARTICLE IV. THE AUTHORITY; POWERS; COMMISSIONERS

The Metropolitan Kansas City Sports Complex Authority shall continue to be a body corporate and politic and a political subdivision of the state of Missouri and shall be governed by, have all the powers provided in, and be subject to all of the provisions of sections 64.920 to 64.950, and other applicable Missouri law in effect upon the effective date of this compact that are not inconsistent with this compact. Those individuals currently serving unexpired terms as a commissioner of the County Sports Complex Authority at the enactment of this compact shall serve as a Missouri commissioner of the Kansas and Missouri Metropolitan Kansas City Sports Complex Authority for the full duration of his or her term as established by 64.930, RSMo. Thereafter, the five Missouri commissioners to the authority pursuant to 64.930, RSMo, shall be chosen as provided therein. In addition, however, to those commissioners, there shall be appointed to the Metropolitan Kansas City Sports Complex Authority one commissioner from each county in which such bistate retail sales tax is levied having a population less than three hundred thousand and two commissioners from each such county (other than Jackson County, Missouri) having a population greater than three hundred thousand, provided that there shall be three commissioners from Johnson County, Kansas if such bistate retail sales tax is not levied in any other county in Kansas. Each additional commissioner shall be appointed by the governing body of the county for which such commissioner is appointed, shall be a qualified voter and a resident of such county, shall not be an elected or appointed official of such county, any political subdivision or state, shall hold office for a term of five years or the unexpired term of any predecessor, and shall be compensated and reimbursed as provided in subsection 5 of section 64.930. No commissioner shall continue to serve beyond the expiration of that commissioner's term. Any vacancy that exists with respect to an additional commissioner shall be filled in the same manner and within thirty days from the date thereof. No action of the Metropolitan Kansas City Sports Complex Authority shall be binding unless taken at a meeting of which at least a majority of commissioners are present and unless a majority of the commissioners present at such meeting shall vote in favor thereof.

ARTICLE V. EXISTENCE

A Metropolitan Kansas City Sports Complex Authority created pursuant to this compact shall exist for as long as any sports stadium facilities constructed, equipped, repaired, extended or improved with contributions from the bistate retail sales tax are owned by it or any bonds or notes issued by it, the principal of or interest on which is paid from such contributions, are outstanding.

ARTICLE VI. EFFECTIVE DATE; AMENDMENT; TERMINATION

This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri upon its enactment by the legislatures of the respective states. Amendments to this compact shall become effective upon enactment by the legislatures of the respective states. This compact shall continue in force and remain binding upon each of the party states until a legislature of a party state shall have entered a statute repealing it and sent formal written notice of such enactment to the legislature of the other party state."; and

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

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

The Chair ruled the point of order not well taken.

On motion of Representative Wilson (42), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 144.030, Page 75, Line 21, by striking the word, "solely"; and

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

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

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 12, Section 94.270, Lines 9 and 10 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be"; and

Further amend said bill, Page 12, Section 94.270, Line 21 of said page, by inserting immediately after the word **"dollars"** the following:

"and fifty cents"; and

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

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

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 137.505, Page 54, Line 12, by inserting after said line the following:

"139.054. 1. The governing authority of any county with a charter form of government and with more than one million inhabitants and a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand may allow, by order or ordinance, for the prepayment of all or any part of current real property taxes in equal quarterly installments over a period of time not greater than one year. The county collector shall issue receipts for any installment payments made.

2. The order or ordinance shall provide the method by which the amount of real 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. Any amounts paid in excess of the real property tax owed for such year shall be a credit against the taxpayer's real property taxes due in the following year. The county collector shall provide notice to the taxpayer of any adjustment to the quarterly payments authorized in this section.

3. Any delinquent real property taxes shall bear interest at the rate provided by section 140.100, RSMo, and shall be subject to fees as provided by law. The prepayments authorized by this section shall be exempt from any penalty or interest provisions provided by law.

4. 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.”; and

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

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

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

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 27, Section 135.481, Line 23, by inserting before said line, all of the following:

“135.207. 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state-designated enterprise zone, designate one satellite zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(4) In addition to all other satellite zones authorized in this section, any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants, which includes an existing state-designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(5) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants, which includes an existing state-designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits along the southwest corner of any intersection of two United States interstate highways. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(6) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants which includes an existing state-designated enterprise zone within the corporate limits of the city may, upon approval of the governing authority of the city and the director of the department of economic development, designate one satellite zone within its corporate limits. No satellite zone shall be designated pursuant to this subdivision until the governing authority

of the city submits a plan describing how the satellite zone corresponds to the city's overall enterprise zone strategy and the director approves the plan.

(7) In addition to all other satellite zones authorized in this section, any city of the fourth classification with more than three thousand eight hundred but less than four thousand inhabitants and located in more than one county and which lies adjacent to any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants and which contains an enterprise zone may, upon approval of the director and the governing authorities of the city of the fourth classification and the home rule city, designate one satellite zone within its corporate limits. The satellite enterprise zone authorized by this subsection shall be designated only if it meets the criteria established by subsection 2 of this section. Retail businesses, as identified by the 1997 North American Industry Classification System (NAICS) sector numbers 44 to 45, located within the satellite enterprise zone shall be eligible for all benefits provided pursuant to the provisions of sections 135.200 to 135.258.

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the existing state-designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents employed on a full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to [135.255] **135.258**.

135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home

rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone in a city of the fourth classification with a population of at least three thousand but less than four thousand inhabitants located in a county of the second classification with a population of at least twenty thousand but not more than twenty-five thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.

8. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone for any area that includes property in two adjoining counties where one county is a county of the third classification without a township form of government with a population of less than sixteen thousand three hundred and more than sixteen thousand inhabitants and the other county is a county of the first classification having a population of at least one hundred seventy-one thousand but less than one hundred seventy-two thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.

9. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than four thousand located in a county of the third classification with a township form of government and with a population of less than thirteen thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

10. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than two thousand nine hundred located in a county of the third classification without a township form of government with a population of less than twelve thousand and more than eleven thousand seven hundred inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

11. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a county of the third classification without a township form of government with a population of less than twenty-four thousand five hundred and more than twenty-four thousand inhabitants. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

12. In addition to the number of enterprise zones authorized in this chapter, the department of economic development shall designate one such zone for any city of the fourth classification with more than three thousand eight hundred but less than four thousand inhabitants and located in more than one county. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

135.209. 1. Any city in which an enterprise zone is designated pursuant to subsection 5 **or subsection 12** of section 135.208 may, upon approval of the local governing authority of the city and the director of the department of economic development, designate one satellite enterprise zone within its corporate limits. A prerequisite for the designation of the satellite zone shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

2. The satellite enterprise zone authorized by this section shall be designated only if it meets the criteria established by subdivisions (1) to (4) of subsection 2 of section 135.207. Retail businesses, as identified by the 1997 North American Industry Classification System (NAICS) sector numbers 44 to 45, located within the satellite enterprise zone shall be eligible for all benefits provided pursuant to the provisions of sections 135.200 to 135.258.

135.214. 1. In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one enterprise zone that shall be located partially in any city of the fourth classification with more than twelve thousand one hundred but less than twelve thousand four hundred

inhabitants and partially in any city of the fourth classification with more than nine thousand six hundred but less than nine thousand seven hundred inhabitants and shall include all area in between any city of the fourth classification with more than twelve thousand one hundred but less than twelve thousand four hundred inhabitants and any city of the fourth classification with more than nine thousand six hundred but less than nine thousand seven hundred inhabitants with specific boundaries to be determined by the department of economic development in conjunction with the governing authority of the county. Such enterprise zone designation shall only be made if the area that is to be included in the enterprise zone meets all the requirements of section 135.205.

2. Notwithstanding the provisions of section 135.230, to the contrary, any enterprise zone designated in any county of the third classification with a township form of government and with more than thirteen thousand seven hundred but less than thirteen thousand eight hundred inhabitants or designated in any county of the third classification without a township form of government and with more than fifteen thousand seven hundred but less than fifteen thousand eight hundred inhabitants shall not expire before December 31, 2015.

3. In addition to the number of enterprise zones authorized by the provisions of sections 135.200 to 135.270, the department of economic development shall designate one such zone in every county of the third classification without a township form of government and with more than six thousand seven hundred fifty but less than six thousand eight hundred fifty inhabitants. Such designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

135.216. In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one enterprise zone within any county of the third classification without a township form of government and with more than thirty-one thousand but less than thirty-one thousand one hundred inhabitants. Such enterprise zone designation shall only be made if the area that is to be included in the enterprise zone meets all the requirements of section 135.205.

135.261. In addition to all other enterprise zones authorized in this chapter, the department of economic development shall designate one such zone in any county of the third classification without a township form of government and with more than thirty-two thousand five hundred but less than thirty-two thousand six hundred inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.”; and

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

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

Representative Kelly (36) offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 135.751, Page 29, Line 24 by deleting the words, “**1. As used in this section, the following terms**”; and

Further amend said bill, Section 135.751, Pages 30 to 36, by deleting all of said pages; and

Further amend said bill, Section 135.751, Page 37, Lines 1 to 13, by deleting all of said lines; and

Further amend said bill, Section 135.751, Page 37, Line 14, by deleting “8.”; and

Further amend said bill, Section 135.750, Pages 97 to 99, 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 Kelly (36), **House Amendment No. 6** was adopted.

Representative Selby offered **House Amendment No. 7**.

Representative Cooper (120) raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Rector assumed the Chair.

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

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 137.751, Page 29, Line 24, before said line, by inserting the following:

“135.750 1. Beginning January 1, 1999, a taxpayer shall be granted a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, or chapter 148, RSMo, for up to fifty percent of the amount of investment in production or production-related activities in a qualified film production project. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term "qualified film production project" means any film production project with an expected in-state expenditure budget in excess of [three hundred thousand] **one million** dollars. Each film production company shall be limited to one qualified film production project per year. Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the Missouri film commission and the department of economic development.

2. Taxpayers shall apply for the film production tax credit by submitting an application to the department of economic development, on a form provided by the department. As part of the application, the expected in-state expenditures of the qualified film production project shall be documented. In addition, the application shall include an economic impact statement, showing the economic impact from the activities of the film production project. Such economic impact statement shall indicate the impact on the region of the state in which the film production or production-related activities are located and on the state as a whole.

3. Tax credits certified pursuant to subsection 1 of this section shall not exceed five hundred thousand dollars per taxpayer per year, and shall not exceed a total for all tax credits certified of [one] **three** million dollars per year. **Any unused amount of the cap shall rollover to the next year.** Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

4. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 1 of this section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, or chapter 148, RSMo. Unused acquired credits may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.”; and

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

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

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

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 13, Section 94.270, Line 1, by inserting after all of said line the following:

"94.839. 1. The governing body of any city of the fourth classification with more than four thousand eight hundred but less than four thousand nine hundred inhabitants and located in any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of promoting tourism. The order or ordinance shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent, solely for the purpose of promoting tourism?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. Any tax imposed under this section shall be administered, collected, enforced, and operated by the governing body of the city adopting the tax. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the tax imposed at a rate of (insert rate of percent) percent for the purpose of promoting tourism?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

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

On motion of Representative Barnitz, **House Amendment No. 9** was adopted.

On motion of Representative Cooper (120), **HS HCS SB 1394, as amended**, was adopted.

On motion of Representative Cooper (120), **HS HCS SB 1394, as amended**, was read the third time and passed by the following vote:

AYES: 145

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black	Bland
Bough	Bringer	Brown	Bruns	Byrd
Campbell	Carnahan	Cooper 120	Cooper 155	Corcoran
Crawford	Crowell	Cunningham 145	Cunningham 86	Curls
Daus	Davis 122	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Donnelly	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Guest	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Hunter	Iceet
Jackson	Jetton	Johnson 47	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lembke	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meadows	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Ransdall	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Self	Shoemaker
Shoemyer	Skaggs	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Threlkeld	Townley	Viebrock	Villa	Vogt
Wagner	Walker	Wallace	Walsh	Ward
Wasson	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Zweifel	Madam Speaker

NOES: 008

Burnett	Dougherty	Green	Johnson 90	Lawson
LeVota	Selby	Young		

PRESENT: 004

Boykins	Brooks	Johnson 61	Walton
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ABSENT WITH LEAVE: 006

Abel	Avery	Darrough	Hampton	Smith 118
Thompson				

Representative Rector declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 137

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Bringer	Brown	Bruns
Byrd	Campbell	Carnahan	Cooper 120	Cooper 155
Corcoran	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Engler	Ervin
Fares	Fraser	George	Goodman	Graham
Guest	Haywood	Hilgemann	Hobbs	Holand
Hubbard	Hunter	Icet	Jackson	Jetton
Johnson 47	Jones	Kelly 144	Kelly 36	King
Kingery	Kratky	Lager	Lembke	Liese
Lipke	Lowe	Luetkemeyer	Marsh	May
Mayer	McKenna	Meadows	Meiners	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Self	Shoemaker
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Thompson	Threlkeld	Townley	Viebrock	Villa
Vogt	Wagner	Wallace	Walsh	Wasson
Whorton	Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Wood	Wright	Yates
Zweifel	Madam Speaker			

NOES: 019

Burnett	Green	Harris 110	Harris 23	Henke
Hoskins	Johnson 90	Jolly	Kuessner	Lawson
LeVota	Sager	Selby	Shoemyer	Walker
Ward	Witte	Yaeger	Young	

PRESENT: 004

Boykins	Brooks	Johnson 61	Walton
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ABSENT WITH LEAVE: 003

Avery	Darrough	Hampton
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MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 1182**, entitled:

An act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

“135.481. 1. (1) Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, or for a multiple unit condominium described in subdivision (2) of this subsection, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

(2) For the purposes of this section, a "multiple unit condominium" is one that is intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, and is under way by January 1, 2000, and completed by January 1, 2002.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property.

8. Any taxpayer who has obtained approvals of multiple phase projects before December 31, 2004, and who incurs eligible costs for a new residence in an area described in subsection 2 of this section that is constructed on property subject to the industrial development provisions of sections 100.300 to 100.600 and that lies within an area with a city zoning classification of urban redevelopment district may reallocate the tax credits within the phases in an amount not to exceed thirty-five percent of such costs up to seventy thousand dollars per residence in any ten-year period.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“135.562. 1. This section shall be known and may be cited as the “Accessible Home Tax Credit Program”.

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

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

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

(3) "Disability", a physical impairment which substantially limits one or more of a person's major life activities;

(4) "Tax liability", the tax due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo; and

(5) "Taxpayer", any non-corporate taxpayer.

3. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per tax year. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year.

5. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars. The tax credits issued pursuant to this subsection will be on a first-come, first-served filing basis.

6. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;
- (6) Installing stairway lifts;
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- (8) Modifying hardware of doors; or
- (9) Modifying bathrooms.

7. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by one-third to the extent a taxpayer has already deducted such costs from such taxpayer's federal adjusted gross income or applied any other state or federal income tax credit to such costs.

8. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed.

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

10. The provisions of this section shall apply to all tax years beginning on or after January 1, 2005.

11. The provisions of this section shall expire December 31, 2010."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, 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; [and]
- (7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision; **and**
- (8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverts, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:**
 - (a) The right of the interstate compact agency to use, control, and possess the property is terminated;**
 - (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property;****and**
 - (c) There is no provisions for reverter of the property within the limitation period for reverts.**

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

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

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

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

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

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms “motor vehicle” and “highway” shall have the same meaning pursuant to section 301.010, RSMo;

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

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

(7) Animals or poultry used for breeding or feeding purposes;

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

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

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

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

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, “processing” means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

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

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

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

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds

derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

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

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

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

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

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

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

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

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes.

Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

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

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

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

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

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

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

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

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

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

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

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

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

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

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For

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

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

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

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

(38) All sales or other transfers of tangible personal property to a lessor, who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer, to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;

(3) Tangible personal property, the sale **or other transfer** of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsections 2 and 3 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.440;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state."; and

Further amend Page 12, Section 348.432, Line 7, by inserting after all of said line, the following:

"Section B. Because immediate action is necessary to protect the economic welfare of the citizens of this state, 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 upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“144.530. As used in sections 144.530 to 144.563, the following terms shall mean:

(1) “Controlled substance”, any drug or substance, whether real or counterfeit, as defined in section 149.011 which is held, possessed, transported, transferred, sold, or offered to be sold in violation of state law, except that the term shall not include marijuana;

(2) “Dealer”, any person who illegally manufactures, produces, ships, transports or imports into the state or in any manner acquires or possesses more than twenty-eight grams of marijuana, or more than one gram of any controlled substance, or ten or more dosage units of any controlled substance which is not sold by weight. A pharmacist licensed in this state who is lawfully performing duties within the scope of his or her license shall not be construed to be a dealer;

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

(4) “Domestic marijuana plant”, any cannabis plant at any level of growth which is harvested or tended, manicured, irrigated, fertilized, or where there is other evidence that it has been treated in any other way in an effort to enhance growth;

(5) “Marijuana”, any marijuana, whether real or counterfeit, as defined in section 149.011 which is held, possessed, transported, transferred, sold, or offered to be sold.

144.533. 1. There is hereby imposed a tax upon marijuana, domestic marijuana plants and controlled substances at the following rates:

(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents;

(2) On each gram of a wet domestic marijuana plant, forty cents;

(3) On each gram of a dry domestic marijuana plant, ninety cents;

(4) On each gram of controlled substance, or portion of a gram, two hundred dollars; and

(5) On each fifty dosage units of a controlled substance that is not sold by weight, or portion thereof, two thousand dollars.

2. For the purpose of calculating such tax, an ounce of marijuana or other controlled substance is measured by the weight of the substance in the dealer's possession. The weight of the marijuana or controlled substance includes all material, mixture or preparation that is added to the marijuana or controlled substance.

144.536. 1. The director shall administer the collection of the tax imposed pursuant to section 144.533. All tax payments shall be made to the director, and shall be accompanied by a form devised and furnished by the director.

2. The director shall adopt a uniform system of providing, affixing and displaying official stamps, labels or other indicia for marijuana and controlled substances upon which a tax is imposed.

3. The director may promulgate rules and regulations necessary to administer and enforce the provisions of sections 144.530 to 144.563.

144.539. 1. No dealer may possess any marijuana, domestic marijuana plant, or controlled substance upon which a tax is imposed pursuant to section 144.533 unless the tax has been paid as evidenced by an official stamp or other indicia.

2. Official stamps, labels, or other indicia to be affixed to all marijuana, domestic marijuana plants, or controlled substances shall be purchased from the director. The purchaser shall pay one hundred percent of face value for each stamp, label, or other indicia at the time of purchase. Each such stamp, label, or other indicia shall only be valid for three months after its date of issuance. The director shall issue the stamps, labels, or other indicia in denominations in multiples of ten dollars. Any person may purchase any such stamp, label, or other indicia without disclosing such person's identity.

3. When a dealer purchases, acquires, transports, or imports into this state marijuana, domestic marijuana plants, or controlled substances on which a tax is imposed pursuant to section 144.533 and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana, domestic marijuana plant, or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

4. Taxes imposed upon marijuana, domestic marijuana plants, or controlled substances pursuant to the provisions of sections 144.530 to 144.563 are due and payable immediately upon acquisition or possession in this state by a dealer.

144.542. 1. At such time as the director shall determine that a dealer has not paid the tax as directed pursuant to section 144.539 the director may immediately assess a tax based on personal knowledge or information available to the director; mail to the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax, penalties, and interest; and demand its immediate payment. If payment is not immediately made, because collection of every assessment made hereunder is presumed to be in jeopardy due

to the nature of the commodity being taxed, the director may immediately collect the tax, penalties, and interest in any manner pursuant to section 144.563.

2. The taxpayer may appeal the assessment within fifteen days from the date of mailing of the notice or the date of personal service of the notice given pursuant to subsection 1 of this section, by requesting in writing a hearing by the director on the correctness of the assessment. The hearing shall be conducted in accordance with the provisions of chapter 536, RSMo. An appeal of the assessment shall not stay the collection of the assessment but shall stay the sale of real or personal property seized pursuant to section 144.563 until the director rules on the correctness of the assessment.

3. The tax, penalties, and interest assessed by the director are presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show their incorrectness or invalidity. Any statement filed by the director with the court or any other certificate by the director of the amount of tax, penalties, and interest determined or assessed is admissible in evidence and constitutes prima facie evidence of the facts it contains.

4. In making an assessment pursuant to subsection 1 of this section, the director may consider a plea agreement or judicial determination made in any criminal case.

5. All taxes not paid to the director of revenue by the person required to remit the same on the date when the same becomes due and payable to the director of revenue shall bear interest at the rate determined by section 32.065, RSMo, from and after such date until paid.

144.545. Neither the director nor a public employee may reveal facts contained in a report or return required by sections 144.530 to 144.563. No information contained in such a report or return may be used against the dealer in any criminal proceeding unless independently obtained, except in connection with a proceeding involving taxes due pursuant to the provisions of sections 144.530 to 144.563 from the taxpayer making the return.

144.548. For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the dealer should have made a return or paid taxes, or collecting any taxes pursuant to the provisions of sections 144.530 to 144.563, the director may examine, or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making such determinations, whether the books, papers, records, or memoranda, are the property of or in the possession of the dealer or another person. The director may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records, or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. Upon demand of the director or any examiner or investigator, the court shall issue a subpoena for the attendance of a witness or the production of books, papers, records, or memoranda. The director may also issue subpoenas. Disobedience of subpoenas issued pursuant to the provisions of sections 144.530 to 144.563 is punishable by the circuit court of the county or city not within a county in which the subpoena is issued, or, if the subpoena is issued by the director, by the circuit court of the county or city not within a county in which the party served with the subpoena is located, in the same manner as contempt of court.

144.551. Any dealer violating the provisions of sections 144.530 to 144.563 is subject to a penalty of one hundred percent of the tax in addition to the tax imposed pursuant to section 144.533.

144.554. Nothing in sections 144.530 to 144.563 shall in any manner provide immunity for a dealer from criminal prosecution.

144.557. The director shall submit annually fifty percent of all moneys received from the collection of taxes and from assessments of delinquent taxes and penalties imposed pursuant to the provisions of sections 144.530 to 144.563 to the state treasurer, who shall deposit one-half thereof in the MoSMART fund created pursuant to section 650.350, RSMo, and one-half thereof in the "controlled substances clean-up fund", created in section 640.040, RSMo, to be used to provide training and necessary supplies and equipment pursuant to law enforcement and fire department personnel and to assist in the clean-up and disposal of components of controlled substances and administration thereof. The director shall remit annually the remaining fifty percent of all moneys received from the collection of taxes and from assessments of delinquent taxes and penalties imposed pursuant to the provisions of sections 144.530 to 144.563 as follows:

(1) If the law enforcement agency which conducted the investigation is a county agency, the entire amount shall not be considered state funds and shall be deposited in the county treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; or

(2) If the law enforcement agency which conducted the investigation is a city agency, the entire amount shall not be considered state funds and shall be deposited in the city treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; or

(3) If the law enforcement agency which conducted the investigation is a state agency, the entire amount shall be deposited in the state general revenue fund to be appropriated to the state agency for use in law enforcement purposes; or

(4) If more than one law enforcement agency is substantially involved in the investigative process, the amount shall not be considered state funds and shall be distributed equally among the city, county and state law enforcement agencies involved and credited to the appropriate county and city special law enforcement trust funds and state law enforcement agency funds unless an alternate distribution is mutually agreed upon by the law enforcement agencies involved and submitted in writing to the director.

Funds received shall not be considered to be a source of revenue to meet normal operating expenses of law enforcement agencies.

144.563. 1. Whenever a taxpayer liable to pay any tax, penalty or interest assessed pursuant to section 144.542, refuses or neglects to immediately pay the amount due, the director may issue one or more warrants for the immediate collection of the amount due, directed to the chief law enforcement officer of any county or city not within a county commanding the chief law enforcement officer to seize and sell the real and personal property of the taxpayer found within the county or city not within a county to satisfy the amount specified on the warrant and the cost of executing the warrant. The director may also issue one or more warrants directed to any employee of the department of revenue commanding the employee to seize and sell the real and personal property of the taxpayer found anywhere within the state to satisfy the amount specified on the warrant and the cost of executing the warrant. A copy of the warrant shall also be mailed to the taxpayer at the taxpayer's last known address or served upon the taxpayer in person.

2. The chief law enforcement officer or department of revenue employee shall proceed to execute upon the warrant in the same manner as provided for distress warrants pursuant to sections 136.180 and 136.190, RSMo, except as otherwise provided in this section. In the execution of a warrant issued to a department of revenue employee, the employee shall have all of the powers conferred by law upon a chief law enforcement officer. Any law enforcement officer may assist in the execution of a warrant if requested to do so by a department of revenue employee.

3. No law exempting any goods and chattels, land and tenements from forced sale under execution shall apply to a seizure and sale under any warrant.

4. A third party holding funds or other personal property of the taxpayer shall immediately, or as soon thereafter as possible, after service of the warrant on such third party, deliver such funds or other personal property to the chief law enforcement officer or department of revenue employee, who shall then deliver such to the director or the director's designee for deposit toward the balance due on the taxpayer's assessment pursuant to section 136.110.

5. The chief law enforcement officer or department of revenue employee shall proceed to levy, collect, and sell such property in the manner pursuant to sections 136.200 to 136.230, RSMo.

6. The taxpayer shall have the right to redeem real property within a period of six months from the date of the sale.

7. The director shall have the right at any time to issue alias warrants until the full amount of the tax, penalty, and interest is collected.”; and

Further amend said bill, Page 12, Section 348.432, Line 7, by inserting after all of said line the following:

“578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in [any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator or any container approved for anhydrous ammonia by the department of agriculture or the United States Department of Transportation] **a cylinder or other portable container that was not designed, fabricated, tested, constructed, marked and placarded in accordance with the United States Department of Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised as of October 1, 2002, which are herein incorporated by reference, and approved for the storage and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.**

2. Cylinder and other portable container valves and other fittings, or hoses attached thereto, used in anhydrous ammonia service shall be constructed of material resistant to anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc, or other material subject to attack by ammonia. Each cylinder utilized for the storage and transportation of anhydrous ammonia shall be labeled, in a conspicuous location, with the words “ANHYDROUS AMMONIA” or “CAUTION: ANHYDROUS AMMONIA” and the UN number 1005 (UN 1005).

3. A violation of this section is a class D felony.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

“100.710. As used in sections 100.700 to 100.850, the following terms mean:

(1) “Assessment”, an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo;

(2) “Board”, the Missouri development finance board as created by section 100.265;

(3) “Certificates”, the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;

(4) “Credit”, the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

(5) “Department”, the Missouri department of economic development;

(6) “Director”, the director of the department of economic development;

(7) “Economic development project”:

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate; or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of this subdivision, “economic development project” shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) “Eligible employee”, a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty- five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

(9) “Eligible industry”, a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. “Eligible industry” does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, RSMo, **in the case of an approved company for a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, create a minimum of one hundred new jobs for eligible employees at the economic development project.** An industry that meets the definition of “essential industry” may be considered an eligible industry for the purposes of the program authorized by sections 100.700 to 100.850;

(10) “Essential industry”, a business that otherwise meets the definition of eligible industry except an essential industry shall:

(a) Be a targeted industry;

(b) Be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(c) Have maintained at least two thousand jobs at the proposed economic development project site each year for a period of four years preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made and during the year in which said application is made;

(d) For the duration of the certificates, retain at the proposed economic development project site the level of employment that existed at the site in the taxable year immediately preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made; and

(e) Invest a minimum of five hundred million dollars in the economic development project by the end of the third year after the issuance of the certificates under this program;

(11) “New job”, a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state. For an essential industry, an existing job may be considered a new job for the purposes of the program authorized by sections 100.700 to 100.850;

(12) “Office industry”, a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center;

(13) “Program costs”, all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those described in this subdivision;

(14) “Program services”, administrative expenses of the board, including contracted professional services, and the cost of issuance of certificates;

(15) “Targeted industry”, an industry or one of a cluster of industries that is identified by the department as critical to the state's economic security and growth and affirmed as such by the joint committee on economic development policy and planning established in section 620.602, RSMo.

100.850. 1. The approved company shall remit to the board a job development assessment fee, not to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, or not to exceed ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapters 143 and 148, RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed eleven million dollars annually. **If the approved company shall be a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, the aggregate amount of tax credits authorized by subsection 4 of this section shall be increased to eleven million nine hundred fifty thousand dollars annually.**

6. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceeds the amount of the approved company's income tax."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 3, Section 148.330, Line 13, by inserting after the word "Constitution" the following:

“, until such time as the New Generation Cooperative Incentive Tax Credit, created pursuant to Section 348.432, RSMo, may be repealed by the General Assembly”.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HS HCS HB 1285**, entitled:

An act to repeal sections 226.092, 407.730 and 407.735, RSMo, and to enact in lieu thereof three new sections relating to car rental insurance.

In which the concurrence of the House is respectfully requested.

Madam 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 SCS SB 758**: Senators Griesheimer, Kinder, Childers, Days and Stoll.

Madam 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 **HS HCS SS SCS SB 968 and SCS SB 969, as amended**: Senators Shields, Foster, Bartle, Caskey and Stoll.

Madam 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 **HS HCS SCS SBs 1020, 889 & 869, as amended**: Senators Steelman, Champion, Griesheimer, Goode and Quick.

Speaker Pro Tem Jetton resumed the Chair.

HOUSE BILL WITH SENATE AMENDMENTS

SS SCS HCS HB 1182, as amended, relating to tax credits, was taken up by Representative Munzlinger.

Representative Munzlinger moved that the House refuse to adopt **SS SCS HCS HB 1182, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILLS

HCS SS SS SCS SB 1122, relating to professional licensing, was taken up by Representative Behnen.

Representative Behnen offered **HS HCS SS SS SCS SB 1122**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 3, Section 209.321, 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 Behnen, **House Amendment No. 1** was adopted.

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

House Amendment No. 2 was withdrawn.

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 161, Section 620.145, Line 24, by inserting immediately after said line the following:

"Section 1. 1. The state board of registration for the healing arts and the board of optometry, or each board's respective designees, shall jointly review the practice of surgical co-management among eye care providers. Such review shall include, without limitation, an examination of:

(1) The information that shall be provided to the patient to ensure that the patient is fully informed about and acknowledges all aspects of the co-management arrangement, including the respective licensure and qualifications of each eye care provider, who will be responsible for each aspect of care, the financial arrangements regarding division of fees, and the patient's right to accept or decline to participate in the co-management arrangement;

(2) Fee arrangements between eye care providers engaged in co-management arrangements to ensure that the division is based solely on the reasonable value of services actually provided to the patient and that those services are medically necessary for the patient's care; and

(3) When an eye care provider improperly offers to delegate preoperative or postoperative care to another eye care provider in return for receiving a surgical referral, or demands participation in a co-management arrangement in return for making a surgical referral, or threatens to withhold referrals to an eye care provider who does not agree to participate in a co-management arrangement, or initiates a co-management arrangement with an eye care provider when the patient otherwise would have been released from further care following surgery.

2. Prior to March 1, 2006, the state board of registration for the healing arts pursuant to section 334.125 RSMo, and the board of optometry pursuant to section 336.160, RSMo, shall jointly promulgate rules regarding the practice of surgical co-management among eye care providers. Such rules shall include the matters contained in subdivisions (1) to (3) in subsection 1 of this section. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of optometry may separately promulgate rules relating to surgical co-management of eye care patients.

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

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

Representative Wright offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

Representative Ward raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 3** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Speaker Hanaway resumed the Chair.

Representative Behnen moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 160, Section 436.272, Line 8 of said page, by inserting after all of said line the following:

"443.803. 1. For the purposes of sections 443.800 to 443.893, the following terms mean:

(1) "Advertisement", the attempt by publication, dissemination or circulation to induce, directly or indirectly, any person to apply for a loan to be secured by residential real estate;

(2) "Affiliate":

(a) Any entity that directly controls, or is controlled by, the licensee and any other company that is directly affecting activities regulated by sections 443.800 to 443.893 that is controlled by the company that controls the licensee;

(b) Any entity:

a. That is controlled, directly or indirectly, by a trust or otherwise by, or for the benefit of, shareholders who beneficially, or otherwise, control, directly or indirectly, by trust or otherwise, the licensee or any company that controls the licensee; or

b. A majority of the directors or trustees of which constitute a majority of the persons holding any such office with the licensee or any company that controls the licensee;

(c) Any company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the licensee or any subsidiary or affiliate of the licensee;

(3) "Annual audit", a certified audit of the licensee's books and records and systems of internal control performed by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing standards;

(4) "Board", the residential mortgage board, created in section 443.816;

(5) "Borrower", the person or persons who use the services of a [loan] **mortgage** broker, originator or lender;

(6) **"Continuing education" or "certified course of continuing education", a course or study consisting of sixteen hours of classroom education every two years relating to loan originating which is approved by the board;**

(7) "Director", the director of the division of finance within the department of economic development;

[(7)] (8) "Escrow agent", a third party, individual or entity, charged with the fiduciary obligation for holding escrow funds on a residential mortgage loan pending final payout of those funds in accordance with the terms of the residential mortgage loan;

[(8)] (9) "Exempt entity", the following entities:

(a) Any bank or trust company organized under the laws of this or any other state or any national bank or any foreign banking corporation licensed by the division of finance or the United States Comptroller of the Currency to transact business in this state;

(b) Any state or federal savings and loan association, savings bank or credit union or any consumer finance company licensed under sections 367.100 to 367.215, RSMo, which is actively engaged in consumer credit lending;

(c) Any insurance company **or licensed insurance agent, broker, or producer** authorized to transact business in this **or any other** state;

(d) Any person engaged solely in commercial mortgage lending or any person making or acquiring residential or commercial construction loans with the person's own funds for the person's own investment;

(e) Any service corporation of a federally chartered or state-chartered savings and loan association, savings bank or credit union;

(f) Any first-tier subsidiary of a national or state bank that has its principal place of business in this state, provided that such first-tier subsidiary is regularly examined by the division of finance or the Comptroller of the Currency or a consumer compliance examination of it is regularly conducted by the Federal Reserve;

(g) Any person engaged solely in the business of securing loans on the secondary market provided such person does not make decisions about the extension of credit to the borrower;

(h) Any mortgage banker as defined in subdivision [(19)] (21) of this subsection; or

(i) Any wholesale mortgage lender who purchases mortgage loans originated by a licensee provided such wholesale lender does not make decisions about the extension of credit to the borrower;

(j) Any person making or acquiring residential mortgage loans with the person's own funds for the person's own investment;

(k) [Any person employed or contracted by a licensee to assist in the performance of the activities regulated by sections 443.800 to 443.893 who is compensated in any manner by only one licensee;

(l) Any person licensed pursuant to the real estate agents and brokers licensing law, chapter 339, RSMo, who engages in servicing or the taking of applications and credit and appraisal information to forward to a licensee or an exempt entity for transactions in which the licensee is acting as a real estate broker and who is compensated by either a licensee or an exempt entity;

[(m)] (l) Any person who originates, services or brokers residential mortgagee loans and who receives no compensation for those activities, subject to the director's regulations regarding the nature and amount of compensation;

(m) Any person who performs the activities of a loan originator and who is employed by or under exclusive contract with a licensee that has a net worth on file with the director that exceeds twenty-five million dollars and who only offers loan products of affiliated lenders that are wholly owned by the same publicly traded company as the licensee;

[(9)] (10) "Financial institution", a savings and loan association, savings bank, credit union, mortgage banker or bank organized under the laws of Missouri or the laws of the United States with its principal place of business in Missouri;

[(10)] (11) "First-tier subsidiary", as defined by administrative rule promulgated by the director;

[(11)] (12) "Full-service office", office and staff in Missouri reasonably adequate to handle efficiently communications, questions and other matters relating to any application for a new, or existing, home mortgage loan which the licensee is brokering, funding, originating, purchasing or servicing. The management and operation of each full-service office must include observance of good business practices such as adequate, organized and accurate books and records, ample phone lines, hours of business, staff training and supervision and provision for a mechanism to resolve consumer inquiries, complaints and problems. The director shall promulgate regulations with regard to the requirements of this subdivision and shall include an evaluation of compliance with this subdivision in the periodic examination of the licensee;

[(12)] (13) "Government-insured mortgage loan", any mortgage loan made on the security of residential real estate insured by the Department of Housing and Urban Development or Farmers Home Loan Administration, or guaranteed by the Veterans Administration;

[(13)] (14) "Lender", any person who either lends money for or invests money in residential mortgage loans;

[(14)] (15) "Licensee" [or "residential mortgage licensee"], a person who is licensed to engage in [the] **mortgage brokering or loan originating activities as defined in and** regulated by sections 443.800 to 443.893;

[(15)] (16) "Loan broker" or "broker", a person exempted from licensing pursuant to subdivision (8) of this subsection, who performs the activities described in subdivisions [(17)] (19) and [(32)] (36) of this subsection;

[(16)] (17) **"Loan originator", a person who, for compensation or gain, solicits or receives a mortgage application, assembles information and prepares paperwork and documentation necessary for obtaining a residential mortgage loan, or arranges for a conditional mortgage loan commitment between a borrower and a lender, or arranges for a residential loan commitment from a lender, or solicits financial and mortgage information from the public for sale to another residential mortgage broker, but does not include a person who does not deal directly with borrowers, negotiate interest rates, advise on loan programs, offer loan locks or loan commitments, or individuals who complete incidental services in arranging or procuring a mortgage loan, including administrative staff whose primary function is the verification of data provided by the borrower, assembly of documents, and coordination of third party services such as ordering an appraisal, title report, or credit report;**

(18) "Loan brokerage agreement", a written agreement in which a broker agrees to do either of the following:

(a) Obtain a residential mortgage loan for the borrower or assist the borrower in obtaining a residential mortgage loan; or

(b) Consider making a residential mortgage loan to the borrower;

[(17)] (19) "Loan brokering", "mortgage brokering", or "mortgage brokerage service", the act of helping to obtain for an investor or from an investor for a borrower, a loan secured by residential real estate situated in Missouri or assisting an investor or a borrower in obtaining a loan secured by residential real estate in return for consideration;

[(18)] (20) "Making a residential mortgage loan" or "funding a residential mortgage loan", for compensation or gain, either, directly or indirectly, advancing funds or making a commitment to an applicant for a residential mortgage loan;

[(19)] (21) "Mortgage banker", a mortgage loan company which is subject to licensing, supervision, or annual audit requirements by the Federal National Mortgage Association (FNMA), or the Federal Home Loan Mortgage Corporation (FHLMC), or the United States Veterans Administration (VA), or the United States Department of Housing

and Urban Development (HUD), or a successor of any of the foregoing agencies or entities, as an approved lender, loan correspondent, seller, or servicer;

[(20)] **(22) "Mortgage broker" or "broker", a person licensed pursuant to this chapter who performs mortgage brokering and servicing;**

(23) "Mortgage loan" or "residential mortgage loan", a loan to, or for the benefit of, any natural person made primarily for personal, family or household use, including a reverse mortgage loan, primarily secured by either a mortgage or reverse mortgage on residential real property or certificates of stock or other evidence of ownership interests in, and proprietary leases from, corporations or partnerships formed for the purpose of cooperative ownership of residential real property;

[(21)] **(24) "Net worth", as provided in section 443.859;**

[(22)] **(25) "Originate" or "originating", [the advertising, soliciting, taking applications, processing, closing, or issuing of commitments for, and funding of, residential mortgage loans] those activities associated with a loan originator;**

[(23)] **(26) "Party to a residential mortgage financing transaction", a borrower, lender or loan broker in a residential mortgage financing transaction;**

[(24)] **(27) "Payments", payment of all, or any part of, the following: principal, interest and escrow reserves for taxes, insurance and other related reserves and reimbursement for lender advances;**

[(25)] **(28) "Person", any individual, firm, partnership, corporation, company or association and the legal successors thereof;**

[(26)] **(29) "Personal residence address", a street address, but shall not include a post office box number;**

[(27)] **(30) "Purchasing", the purchase of conventional or government-insured mortgage loans secured by residential real estate from either the lender or from the secondary market;**

[(28)] **(31) "Residential loan originator license certification course", a course of study consisting of sixteen hours of education followed by a one-hundred question examination relating to loan originating which is approved by the board;**

(32) "Residential mortgage board", the residential mortgage board created in section 443.816;

[(29)] **(33) "Residential mortgage financing transaction", the negotiation, acquisition, sale or arrangement for, or the offer to negotiate, acquire, sell or arrange for, a residential mortgage loan or residential mortgage loan commitment;**

[(30)] **(34) "Residential mortgage loan commitment", a written conditional agreement to finance a residential mortgage loan;**

[(31)] **(35) "Residential real property" or "residential real estate", real property located in this state improved by a one-family to four-family dwelling;**

[(32)] **(36) "Servicing", the collection or remittance for, or the right or obligation to collect or remit for, any lender, noteowner, noteholder or for a licensee's own account, of payments, interests, principal and trust items such as hazard insurance and taxes on a residential mortgage loan and includes loan payment follow-up, delinquency loan follow-up, loan analysis and any notifications to the borrower that are necessary to enable the borrower to keep the loan current and in good standing;**

[(33)] **(37) "Soliciting, processing, placing or negotiating a residential mortgage loan", for compensation or gain, either, directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the processing of an application for a residential mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with a lender on behalf of a borrower including, but not limited to, the submission of credit packages for the approval of lenders, the preparation of residential mortgage loan closing documents, and including a closing in the name of a broker;**

[(34)] **(38) "Ultimate equitable owner", a person who, directly or indirectly, owns or controls an ownership interest in a corporation, foreign corporation, alien business organization, trust or any other form of business organization regardless of whether the person owns or controls the ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies or other entities or devices, or any combination thereof.**

2. The director may define by rule any terms used in sections 443.800 to 443.893 for efficient and clear administration. **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held**

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

443.805. 1. No person shall engage in the business of brokering, funding, originating, servicing or purchasing of residential mortgage loans without first obtaining [a] **the applicable mortgage broker or loan originator** license from the director, pursuant to sections 443.800 to 443.893 and the regulations promulgated thereunder. The licensing provisions [of sections 443.805 to 443.812] shall not apply to any **exempt** entity [engaged solely in commercial mortgage lending or to any person exempt as provided in section 443.803 or pursuant to regulations promulgated as provided in sections 443.800 to 443.893], **as defined in subdivision (9) of subsection 1 of section 443.803, or employees of such exempt entity.**

2. No person except a licensee or exempt entity shall do any business under any name or title or circulate or use any advertising or make any representation or give any information to any person which indicates or reasonably implies activity within the scope of the provisions of sections 443.800 to 443.893.

3. The provisions of this section shall not apply to mortgage brokers or loan originators who were registered, licensed, or otherwise employed to originate loans prior to August 28, 2004. On and after such date, such individuals shall have until August 28, 2005, or their next license renewal date, whichever is earlier, to meet all loan originator licensing requirements as provided in sections 443.800 to 443.893.

443.821. The director shall issue a license upon completion of the following:

(1) The filing of [an] **a mortgage broker application or loan originator application, both of which shall include evidence of the satisfactory completion of the residential loan originator license certification course and examination;**

(2) The filing with the director of a listing of judgments entered against, and bankruptcy petitions by, the applicant for the preceding seven years;

(3) The payment of investigation and application fees to be established by administrative rule; and

(4) An investigation of the averments required by **subdivisions (1) to (21) of section 443.827[, which] for a mortgage broker applicant and subdivisions (8) to (21) of section 443.827 for a loan originator applicant. The investigation must allow the director to issue positive findings stating that the financial responsibility, experience, character and general fitness of the applicant, and of the members thereof, if the applicant is a partnership or association, and of the officers and directors thereof if the applicant is a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the scope of sections 443.800 to 443.893. If the director does not find the applicant's business and personal conduct warrants the issuance of a license, the director shall notify the applicant of the denial with the reasons stated for such denial. An applicant may appeal such denial to the board.**

443.823. 1. All licenses shall be issued in duplicate with one copy being transmitted to the license applicant and the second being retained with the director. Upon receipt of such license, a [residential mortgage] licensee may engage in a business regulated by sections 443.800 to 443.893. Such license shall remain in full force and effect until it expires without renewal, is surrendered by the licensee or is revoked or suspended as provided in sections 443.800 to 443.893.

2. Upon receipt of a loan originator license, the licensee shall immediately deliver the license to his or her current employer. Upon termination of employment the license shall be transferred to a new employer and the director shall be notified. If the loan originator does not have a new employer, the license shall be returned to the director with a written explanation or the reasons for termination. The license may be returned to the licensee as determined by the director.

443.827. Each **broker** application shall be accompanied by an averment **of subdivisions (1) to (21) of the following, and each loan originator application shall be accompanied by an averment of subdivisions (8) to (21) of the following,** that the applicant:

(1) Will maintain at least one full-service office within the state of Missouri as provided in section 443.857;

(2) Will maintain staff reasonably adequate to meet the requirements of section 443.857;

(3) Will keep and maintain for thirty-six months the same written records as required by the federal Equal Credit Opportunity Act, 15 U.S.C. 1691, et seq., and any other information required by rules of the director;

(4) Will timely file any report required pursuant to sections 443.800 to 443.893;

(5) Will not engage, whether as principal or agent, in the practice of rejecting residential mortgage applications or varying terms or application procedures without reasonable cause, on real estate within any specific geographic area from the terms or procedures generally provided by the licensee within other geographic areas of the state;

(6) Will not engage in fraudulent home mortgage underwriting practices;

(7) Will not make payments, whether directly or indirectly, of any kind to any in-house or fee appraiser of any government or private money lending agency with which an application for a home mortgage has been filed for the purpose of influencing the independent judgment of the appraiser with respect to the value of any real estate which is to be covered by such home mortgage;

(8) Has filed tax returns, both state and federal, for the past three years or filed with the director a personal, an accountant's or attorney's statement as to why no return was filed;

(9) Will not engage in any activities prohibited by section 443.863;

(10) Will not knowingly misrepresent, circumvent or conceal any material particulars regarding a transaction to which the applicant is a party;

(11) Will disburse funds in accordance with the applicant's agreements through a licensed and bonded disbursing agent or licensed real estate broker;

(12) Has not committed any crime against the laws of this state, or any other state or of the United States, involving moral turpitude, fraudulent or dishonest dealings and that no final judgment has been entered against the applicant in a civil action upon grounds of fraud, misrepresentation or deceit which has not been previously reported to the director;

(13) Will account for and deliver to any person any personal property, including, but not limited to, money, funds, deposits, checks, drafts, mortgages or any other thing of value, which has come into the applicant's possession and which is not the applicant's property or which the applicant is not in law or equity entitled to retain under the circumstances, at the time which has been agreed upon or is required by law, or, in the absence of a fixed time, upon demand of the person entitled to such accounting and delivery;

(14) Has not engaged in any conduct which would be cause for denial of a license;

(15) Has not become insolvent;

(16) Has not submitted an application which contains a material misstatement;

(17) Has not demonstrated negligence or incompetence in the performance of any activity required to hold a license under sections 443.800 to 443.893;

(18) Will advise the director in writing of any changes to the information submitted on the most recent application for license within forty-five days of such change. The written notice must be signed in the same form as the application for the license being amended;

(19) Will comply with the provisions of sections 443.800 to 443.893, or with any lawful order or rule made thereunder;

(20) When probable cause exists, will submit to periodic examinations by the director as required by sections 443.800 to 443.893; and

(21) Will advise the director in writing of any judgments entered against, and bankruptcy petitions by, the license applicant within five days of the occurrence of the judgment or petition.

443.833. 1. Licenses shall be renewed on the first anniversary of the date of issuance and every two years thereafter. Renewal application forms and fees shall be submitted to the director at least sixty days before the renewal date. **A renewal application shall include evidence of the satisfactory completion of sixteen hours of continuing education.**

2. The director shall send notice at least ninety days before the licensee's renewal date, but failure to send or receive such notice is no defense for failure to timely renew, except when an extension for good cause is granted by the director. If the director does not grant an extension and the licensee fails to submit a completed renewal application form and the proper fees in a timely manner, the director may assess additional fees as follows:

(1) A fee of five hundred dollars shall be assessed the licensee thirty days after the proper renewal date, and one thousand dollars each month thereafter, until the license is either renewed or expires pursuant to subsections 3 and 4 of this section;

(2) Such fee shall be assessed without prior notice to the licensee, but shall be assessed only in cases where the director possesses documentation of the licensee's continuing activity for which the unexpired license was issued.

3. A license which is not renewed by the date required in this section shall automatically become inactive. No activity regulated by sections 443.800 to 443.893 shall be conducted by the licensee when a license becomes inactive. An inactive license may be reactivated by filing a completed reactivation application with the director, payment of the renewal fee, and payment of a reactivation fee equal to the renewal fee.

4. A license which is not renewed within one year of becoming inactive shall expire.

443.839. 1. A **mortgage broker** licensee may apply for authority to open and maintain additional offices by:

(1) Giving the director prior notice of the licensee's intention in such form as prescribed by the director;

(2) Paying a fee to be established by the director by administrative rule.

2. Upon receipt of the notice and fee required by subsection 1 of this section, the director shall issue a certificate for the additional office. The certificate shall be conspicuously displayed in the respective additional office.

443.849. A corporate surety bond in the principal sum of twenty thousand dollars shall accompany each application for a **mortgage broker** license. The bond shall be in a form satisfactory to the director and shall be issued by a bonding company or insurance company authorized to do business in this state, to secure the faithful performance of the obligations of the applicant and the agents and subagents of the applicant in connection with the activities of originating, servicing or acquiring mortgage loans. An applicant or licensee may, in lieu of filing the bond required pursuant to this section, provide the director with a twenty thousand dollar irrevocable letter of credit, as defined in section 400.5-103, RSMo, issued by any financial institution.

443.851. 1. At the end of the **mortgage broker** licensee's fiscal year, but in no case more than twelve months after the last audit conducted pursuant to this section and section 443.853, each **mortgage broker** licensee shall cause the **mortgage broker** licensee's books and accounts to be audited by a certified public accountant not connected with such **mortgage broker** licensee. The books and records of all **mortgage broker** licensees shall be maintained on an accrual basis. The audit shall be sufficiently comprehensive in scope to permit the expression of an opinion on the financial statements in the report and must be performed in accordance with generally accepted accounting principles and generally accepted auditing standards.

2. As used in this section and section 443.853, the term "expression of opinion" includes either:

- (1) An unqualified opinion;
- (2) A qualified opinion;
- (3) A disclaimer of opinion; or
- (4) An adverse opinion.

3. If a qualified or adverse opinion is expressed or if an opinion is disclaimed, the reasons therefor shall be fully explained. An opinion, qualified as to a scope limitation, shall not be acceptable.

4. The audit report shall be filed with the director within one hundred twenty days of the audit date. The report filed with the director shall be certified by the certified public accountant conducting the audit. The director may promulgate rules regarding late audit reports.

5. As an alternative to the audit requirements of subsections 1 to 4 of this section, a **mortgage broker** licensee may meet the requirements of this section without filing an audit report by posting and maintaining a corporate surety bond, in addition to that described in section 443.849, in the amount of one hundred thousand dollars. The bond shall be in form specified by and satisfactory to the director and payable to the director and shall be issued by a bonding company or insurance company authorized to do business in this state, to secure the faithful performance of the obligations of the **mortgage broker** licensee, its agents and subagents in connection with the activities of originating, servicing or acquiring mortgage loans. A **mortgage broker** licensee may, in lieu of this bond, provide the director with a one hundred thousand dollar irrevocable letter of credit, as defined in section 400.5-103, RSMo, issued by any financial institution.

443.855. In addition to such other rules the director may promulgate to effectuate sections 443.800 to 443.893, the director shall prescribe rules governing the advertising of mortgage loans, including, without limitation, the following requirements:

(1) Advertising for loans transacted pursuant to the requirements of sections 443.800 to 443.893 may not be false, misleading or deceptive. No person whose activities are regulated pursuant to the provisions of sections 443.800 to 443.893 may advertise in any manner so as to indicate or imply that the person's interest rates or charges for loans are in any way recommended, approved, set or established by the state or by the provisions of sections 443.800 to 443.893;

(2) All advertisements by a **mortgage broker** licensee shall contain the name and an office address of such entity, which shall conform to a name and address on record with the director.

443.857. Each **mortgage broker** licensee shall maintain, in the state of Missouri, at least one full-service office with staff reasonably adequate to efficiently handle all matters relating to any proposed or existing home mortgage with respect to which such licensee is performing services.

443.859. Effective [May 21, 1998] **January 1, 2005**, every **mortgage broker** licensee shall have and maintain a net worth of not less than [twenty-five] **fifty** thousand dollars. The director may promulgate rules with respect to net worth definitions and requirements for **mortgage broker** licensees as necessary to accomplish the purposes of sections 443.800 to 443.893. [In lieu of the net worth requirement established by this section, the director may accept evidence of conformance by the licensee with the net worth requirements of the United States Department of Housing and Urban Development.]

443.885. On or before March first of each year, each **mortgage broker** licensee, except those exempt entities provided for in subsection 8 of section 443.803, shall file a report with the director which shall disclose the following information with respect to the immediately preceding calendar year:

(1) A list of home mortgages granted, issued, originated or closed during the report period, with respect to which such licensee has had any connection. The list shall show for each census tract, in regions where such census tracts have been established and by zip code in all other regions, the number and aggregate dollar amount of applications for and the number granted and aggregate dollar amount of:

(a) Conventional mortgage loans;
(b) Mortgage loans insured under the National Housing Act, 12 U.S.C. 1701, et seq.; and
(c) Mortgage loans guaranteed under the provisions of the Federal Veterans' Benefits Act, 38 U.S.C. 3710 et seq.;

(2) List by zip code in those areas having no census tract:

(a) The total number of home mortgages on real estate situated in this state with respect to which the licensee has had any connection and which are in default on the last day of the reporting period; and

(b) The total number of claims paid during the reporting period on home mortgages with respect to which the licensee has had any connection, including the date of the first default thereon and the date each such foreclosure proceeding was instituted;

(3) If the director finds that another report that the licensee is required to compile is equivalent to the annual report of mortgage activity, then the director may accept such report as fulfilling the reporting requirements of this section;

(4) The director may also require by rule that licensees report such additional information as is necessary to assure strict compliance with the provisions of sections 443.800 to 443.893."; and

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

HCS SS SS SCS SB 1122, with House Amendment No. 4 and HS, as amended, pending,
was laid over.

APPOINTMENT OF CONFERENCE COMMITTEES

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

HS HCS SS SCS SB 968 and SCS SB 969: Representatives Baker, Cunningham (86), Wallace, Wildberger and Davis (122)

HCS SCS SB 758: Representatives Nieves, Cooper (120), Sutherland, Corcoran and Villa

HS HCS SCS SBs 1020, 889 & 869: Representatives Goodman, Schlottach, Wright, Harris (23) and LeVota

Speaker Pro Tem Jetton resumed the Chair.

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1548**, entitled:

To amend chapter 105, RSMo, by adding thereto one new section relating to state employees' pay

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 1548, Page 1, Section 105.935, Line 7, by striking “subsection 3” and inserting in lieu thereof the following:

“subsection 4”.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 1548, Page 2, Section 105.935, Line 53, by inserting immediately after said line the following:

“211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child or person seventeen years of age.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to [placement with] **the commitment to the division of youth services concerning the child's length of stay in the custody of the division of youth services.** The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended

and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. **The division of youth services shall determine the type, level, and location of placement, as well as the length of stay, in either a residential or non-residential program, to comply with the determinate length of stay in the custody of the division of youth services as set forth in the order of commitment.** No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate **length of stay in a program or placement** pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay **in the custody of the division of youth services** as determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay **in the custody of the division of youth services** as determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Bill No. 1548, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“105.055. 1. No supervisor or appointing authority of any state agency shall prohibit any employee of the agency from discussing the operations of the agency, either specifically or generally, with any member of the legislature [or the], state auditor, **attorney general, or any state official or body charged with investigating such alleged misconduct.**

2. No supervisor or appointing authority of any state agency shall:

(1) Prohibit a state employee from or take any disciplinary action whatsoever against a state employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; or

(2) Require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

3. This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative requests for information to the agency or the substance of testimony made, or to be made, by the employee to legislators on behalf of the employee to legislators on behalf of the agency;

(2) Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing an employee to represent the employee's personal opinions as the opinions of a state agency;
or

(4) Restricting or precluding disciplinary action taken against a state employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.

5. Any employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the state personnel advisory board; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390, RSMo. The appeal shall be filed within thirty days of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 36, RSMo. If the board or appropriate review body finds that disciplinary action taken was unreasonable, the board or appropriate review body shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the board or appropriate review body in such cases may be appealed by any party pursuant to law.

6. Each state agency shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the agency.

7. (1) In addition to the remedies in subsection 6 of this section, a person who alleges a violation of this section may bring a civil action for damages within ninety days after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides.

(3) An employee must show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity.

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages, and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees."; and

Further amend said bill, Page 2, Section 105.935, Line 53, by inserting immediately after said line the following:

"610.028. 1. Any public governmental body may provide for the legal defense of any member charged with a violation of sections 610.010 to 610.030.

2. Each public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, open to public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation of the provisions of sections 610.010 to 610.030 or subject to civil liability for any act arising out of his adherence to the written policy of the agency.

3. No person who in good faith reports a violation of the provisions of sections 610.010 to 610.030 is civilly liable for making such report, nor, if such person is an officer or employee of a public governmental body, may such person be demoted, fired, **harassed**, suspended, or otherwise disciplined for making such report."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Committee Substitute for House Bill No. 1548, Page 2, Section 105.935, Line 53, by inserting after all of said line the following:

"386.135. 1. The commission shall have an independent technical advisory staff of up to six full-time employees. The advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner shall also have the authority to retain one personal advisor, who shall be deemed a member of the technical advisory staff. The personal advisors will serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only hire technical advisory staff pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff on a cost-neutral basis. Such technical advisory staff shall be hired on or before July 1, 2005.

4. It shall be the duty of the technical advisory staff to render advice and assistance to the commissioners and the commission's [hearing officers] **administrative law judges** on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission.

5. The technical advisory staff shall also update the commission and the commission's [hearing officers] **administrative law judges** periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member.

8. The technical advisory staff shall never be a party to any case before the commission."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1403**, entitled:

An act to repeal sections 316.203, 316.204, 316.210, 316.218, 316.230, 316.233, and 701.377, RSMo, and to enact in lieu thereof nine new sections relating to amusement rides, with penalty provisions for certain sections, and an effective date.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HS HCS HB 1453**, entitled:

An act to repeal 26.740, 43.503, 43.530, 43.540, 135.327, 167.020, 192.016, 207.050, 207.060, 210.025, 210.102, 210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 431.056, 452.375, 452.400, 453.020, 453.025, 453.030, 453.060, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-six new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 11, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 16 and Senate Amendment No. 17.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Pages 50-56, Section 210.112, by striking all of said section and inserting in lieu thereof the following:

“210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

- (1) The safety and welfare of children is paramount;**
- (2) Providers of direct services to children and their families will be evaluated in a uniform and consistent basis;**
- (3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes; and**
- (4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.**

2. On or before July 1, 2005, and subject to appropriations, the children's division and any other state agency deemed necessary by the division shall, in consultation with the community and providers of services, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by children's services providers and agencies currently contracting with the state to provide such services and by public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

- (1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and**
- (2) The ability to provide a range of child welfare services, which may include case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.**

No contracts shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall not result in the loss of federal funding. Such children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

3. In entering into and implementing contracts under subsection 2 of this section, the division shall consider and direct their efforts towards geographic areas of the state, including Greene County, where eligible direct children's services providers and agencies are currently available and capable of providing a broad range of services, including case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, family preservation services, foster care services, adoption services, relative care case management, other planned living arrangements, and family reunification services consistent with federal guidelines. Nothing in this subsection shall prohibit the division from contracting on an as-needed basis for any individual child welfare service listed above.

4. The contracts entered into under this section shall assure that:

(1) Child welfare services shall be delivered to a child and the child's family by professionals who have substantial and relevant training, education, or competencies otherwise demonstrated in the area of children and family services;

(2) Children's services providers and agencies shall be evaluated by the division based on objective, consistent, and performance-based criteria;

(3) Any case management services provided shall be subject to a case management plan established under subsection 5 of this section which is consistent with all relevant federal guidelines. The case management plan shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served and considering relevant factors applicable to each individual case as provided by law, including:

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

(b) A child's adjustment to his or her foster home, school, and community;

(c) The mental and physical health of all individuals involved, including any history of abuse of or by any individuals involved; and

(d) The needs of the child for a continuing relationship with the child's biological or adoptive parents and the ability and willingness of the child's biological or adoptive parents to actively perform their functions as parents with regard to the needs of the child;

(4) The delivery system shall have sufficient flexibility to take into account children and families on a case-by-case basis;

(5) The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcome in the shortest time possible and shall include concurrent planning. Outcome measures for private and public agencies shall be equal for each program; and

(6) Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of accomplishment of the case goals and the corresponding cost savings to the state. The division shall promulgate rules to implement the provisions of this subdivision.

5. Contracts entered into under this section shall require that a case management plan consistent with all relevant federal guidelines shall be developed for each child at the earliest time after the initial investigation, but in no event longer than fourteen days after the initial investigation or referral to the contractor by the division. Such case management plan shall be presented to the court and be the foundation of service delivery to the child and family. The case management plan shall, at a minimum, include:

(1) An outcome target based on the child and family situation achieving permanency or independent living, where appropriate;

(2) Services authorized and necessary to facilitate the outcome target;

(3) Timeframes in which services will be delivered; and

(4) Necessary evaluations and reporting.

In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case services, planned permanent living services, and family reunification services. In all cases, an appropriate level of services shall be provided to the child and family after permanency is achieved to assure a continued successful outcome.

6. On or before July 15, 2006, and each July fifteenth thereafter that the project is in operation, the division shall submit a report to the general assembly which shall include:

(1) Details about the specifics of the contracts, including the number of children and families served, the cost to the state for contracting such services, the current status of the children and families served, an assessment of the quality of services provided and outcomes achieved, and an overall evaluation of the project; and

(2) Any recommendations regarding the continuation or possible statewide implementation of such project; and

(3) Any information or recommendations directly related to the provision of direct services for children and their families that any of the contracting children's services providers and agencies request to have included in the report.

7. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted.

8. By February 1, 2005, the children's division shall promulgate and have in effect rules to implement the provisions of this section, and pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.”; and

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

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 160, Section 1, Lines 3-10 of said page, by striking said lines and inserting in lieu thereof the following:

"When the parents maintain joint domicile or comply with court-ordered visitation, there shall be a rebuttable presumption that the nonoffending parent has not committed any violation of sections 568.030, 568.032, 568.045, 568.050, or 568.060, RSMo, or has not engaged in any conduct that would constitute child abuse or neglect under chapter 210, RSMo. In order to rebut the presumption there must be a finding of actual harm or endangerment to the child if the child is placed in the custody of the nonoffending parent."

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 90, Section 210.201, Line 7, by deleting the word "private" and inserting in lieu thereof the word **"public"**.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, by inserting after all of said line the following:

"452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal separation where custody, visitation, or support of a child is a contested issue, the court may appoint a guardian ad litem. [The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.] Disqualification of a guardian ad litem shall be ordered in any legal proceeding only pursuant to [chapter 210, RSMo, or] this chapter, upon the filing of a written application by any party within ten days of appointment, or within ten days of August 28, 1998, if the appointment occurs prior to August 28, 1998. Each party shall be entitled to one disqualification of a guardian ad litem appointed under this subsection in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown.

2. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.

3. The guardian ad litem shall:

(1) Be the legal representative of the child at the hearing, and may examine, cross-examine, subpoena witnesses and offer testimony;

(2) Prior to the hearing, conduct all necessary interviews with persons having contact with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and attitudes. If appropriate, the child should be interviewed;

(3) Request the juvenile officer to cause a petition to be filed in the juvenile division of the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is in danger.

[3.] 4. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

[4.] 5. The guardian ad litem shall be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

[5.] 6. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person and shall have access to all records of such agencies or persons relating to the child or such child's family members. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.”; and

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

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 18, Section 135.327, Line 27, by deleting all of said line and inserting in lieu thereof the following:

“residents or wards of residents”; and

Further amend said bill, Page 19, Section 135.327, Line 22, by inserting after the word **“wards”** the following:

“of residents”; and

Further amend said bill, Page 19, Section 135.327, Line 23, by deleting all of said line and inserting in lieu thereof the words **“of this state at”**; and

Further amend said bill, Page 19, Section 135.327, Line 26, by inserting after the word **“wards”** the following:

“of residents”; and

Further amend said bill, Page 19, Section 135.327, Line 27, by deleting all of said line and inserting in lieu thereof **“at the time the”**.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 46, Section 210.109, Line 8, by deleting the word “court” and inserting in lieu thereof the word **“legal”**; and

Further amend said bill and section, Page 46, Line 9, by deleting the word “may” and inserting in lieu thereof the word **“shall”**.

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 82, Section 210.160, Line 4, by inserting after “**litem**” on said line the following:

“, licensed in the practice of law,”; and

Further amend said bill, Page 83, same section, Line 21, by inserting after “**duties**” the following:

“, only under direct and consistent supervision of an attorney,”.

Senate Amendment No. 9

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4 of said page, by inserting after all of said line the following:

“452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. In any case in which the paternity of a child has been determined by a court of competent jurisdiction and where the noncustodial parent is delinquent in the payment of child support in an amount in excess of ten thousand dollars, the custodial parent shall have the right to petition a court of competent jurisdiction for the termination of the parental rights of the noncustodial parent.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 11

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 61, Section 210.145, Lines 5-7, by deleting said lines and insert in lieu thereof the following:

“child’s school or child-care facility] in any school building or child care facility building where abuse of such child is alleged to have occurred. When the child is reported”.

Senate Amendment No. 13

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 68, Section 210.147, Line 7, by deleting all of said line and inserting in lieu thereof the following:

“the parents of the child or any other party.”; and

Further amend said bill, section and page, Lines 10-29, by deleting all of said lines; and

Further amend said bill and section, Page 69, Lines 1-22, by deleting all of said lines; and

Further amend said bill and section, Page 69, Line 26, by inserting after all of said line the following:

“The content of the form shall be consistent with service agreements or case plans required by statute, and shall include the following: location, but not the specific address of the child; whether the child shall remain in current placement or be moved to a new placement; visitation schedule for the child’s family; and any additional core commitments.”.

Senate Amendment No. 14

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4 of said page, by inserting after all of said line the following:

“452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. When a person filing a petition for modification of a child custody decree owes past due child support to a custodial parent, such person shall post a bond in the amount of past due child support owed as ascertained by the division of child support enforcement or reasonable legal fees of the custodial parent, whichever is greater, before the filing of the petition. The court shall hold the bond in escrow until the modification proceedings pursuant to this section have been concluded wherein such bond shall be transmitted to the division of child support enforcement for disbursement to the custodial parent.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 15

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 24, Section 167.020, Line 9, by inserting after the end of said line the following:

“167.166. 1. No employee, volunteer, or school board member of any public school or charter school within this state, and no employee of the department of social services, shall perform or direct a strip search as defined in section 544.193, RSMo, of any student of any such school. No employee, volunteer, or school board member of any public school or charter school within this state, and no employee of the department of social services, shall direct a student to take part in, direct, supervise, be present for or witness a strip search of a fellow student. Any employee, volunteer, or school board member who violates this subsection shall be immediately suspended from their association with the school or with the department, without pay if such person would otherwise receive pay, pending an evidentiary hearing on the matter. In the event the person suspended is found, after an evidentiary hearing, to have violated this subsection, such person shall be subject to sanctions up to and including termination from the school, or on the school board, or with the department of social services.

2. In the event a certified law enforcement officer has probable cause to believe that a student of a public or charter school in this state has concealed a deadly or dangerous weapon on the student’s person and is present on the property of the school, such officer may detain the student for the limited purpose of conducting a search and may conduct a strip search of such student as defined and limited in section 544.193, RSMo, and pursuant to the limitations and provisions of this subsection, only to the limited extent reasonably necessary to determine whether the student has possession of a deadly or dangerous weapon and to take possession of any such weapon if found on the person of the student. No male law enforcement officer shall conduct or be present during the strip search of a female student performed pursuant to this subsection. No female law enforcement officer shall conduct or be present during the strip search of a male student performed pursuant to this subsection. Any student to be strip searched pursuant to this subsection shall not be strip searched until the principal of the school or a law enforcement officer has made contact with the student’s parents or legal guardians, or with the foster parents if the student is in the custody of the department of social services, and informed such persons of the impending

strip search and notified such persons of the provisions of this section. In the event a parent, legal guardian, or foster parent of the student is successfully contacted and expresses a desire to be present during the strip search, the strip search shall not be commenced until the parent, legal guardian or foster parent expressing such desire has been given at least thirty minutes to appear at the location of the strip search; except, if the parent or legal guardian is subject to a court order of protection in favor of the student, such person's desire to be present shall not delay the commencement of the strip search. Nothing contained in this section shall authorize a parent, legal guardian, or any other person to violate a court order of protection prohibiting such parent, legal guardian or other person from being in the presence of the student.

3. In the event any strip search of a student is conducted pursuant to this section, the school principal, in conjunction with the certified law enforcement officer, shall prepare a comprehensive written report of the entire incident leading to the strip search and of the strip search itself. The report shall include, but not be limited to, the name, address, employer, title and gender of each person present at the strip search. The full written report shall be hand delivered to the student's parents or legal guardians or foster parents, and to an authorized representative of the school board, and to the director of the department of social services if applicable, within forty-eight hours of the commencement of the strip search."; and

Further amending the title and enacting clause accordingly.

Senate Amendment No. 16

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, by inserting after all of said line the following:

"452.402. 1. The court may grant reasonable visitation rights to the grandparents of the child and issue any necessary orders to enforce the decree. The court may grant grandparent visitation when:

(1) The parents of the child have filed for a dissolution of their marriage. A grandparent shall have the right to intervene in any dissolution action solely on the issue of visitation rights. Grandparents shall also have the right to file a motion to modify the original decree of dissolution to seek visitation rights when [such rights have] **visitation has** been denied to them; **or**

(2) One parent of the child is deceased and the surviving parent denies reasonable visitation [rights] to a parent of the deceased parent of the child; **or**

(3) The child has resided in the grandparent's home for at least six months within the twenty-four month period immediately preceding the filing of the petition; **and**

(4) A grandparent is unreasonably denied visitation with the child for a period exceeding ninety days. However, if the natural parents are legally married to each other and are living together with the child, a grandparent may not file for visitation pursuant to this subdivision; **or**

(5) The child is adopted by a stepparent, another grandparent or other blood relative].

2. The court shall determine if the visitation by the grandparent would be in the child's best interest or if it would endanger the child's physical health or impair the child's emotional development. Visitation may only be ordered when the court finds such visitation to be in the best interests of the child. However, when the parents of the child are legally married to each other and are living together with the child, it shall be a rebuttable presumption that such parents know what is in the best interest of the child. The court may order reasonable conditions or restrictions on grandparent visitation.

3. If the court finds it to be in the best interests of the child, the court may appoint a guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice law in Missouri. The guardian ad litem may, for the purpose of determining the question of grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

4. A home study, as described by section 452.390, may be ordered by the court to assist in determining the best interests of the child.

5. The court may, in its discretion, consult with the child regarding the child's wishes in determining the best interest of the child.

6. The right of a grandparent to [seek or] maintain visitation rights pursuant to this section may terminate upon the adoption of the child.

7. The court may award reasonable attorneys fees and expenses to the prevailing party."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 17

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 45, Section 210.109, Lines 9-12, by striking all underlined language from said lines and inserting in lieu thereof the following:

“and provided that the reporter shall be informed, at the time of the report, that the reporter’s name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319, RSMo”.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

HOUSE BILL WITH SENATE AMENDMENTS

SS SCS HS HCS HB 1453, as amended, was taken up by Representative Hanaway.

Representative Hanaway moved that the House refuse to adopt **SS SCS HS HCS HB 1453, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

Speaker Hanaway resumed the Chair.

SENATE BILLS FOR THIRD READING

HCS SS SS SCS SB 1122, with House Amendment No. 4 and HS, as amended, pending, relating to professional licensing, was again taken up by Representative Behnen.

Representative Myers offered **House Amendment No. 1 to House Amendment No. 4**.

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

AMEND House Amendment No. 4 to House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 4, by adding the words **“Farm Credit Services”** after “association” on Line 2 of the amendment.

On motion of Representative Myers, **House Amendment No. 1 to House Amendment No. 4** was adopted.

Representative Portwood moved that **House Amendment No. 4, as amended**, be adopted.

Which motion was defeated.

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

Representative Nieves assumed the Chair.

House Amendment No. 5 was withdrawn.

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 86, Section 337.615, Line 24, by inserting after all of said line the following:

“337.642. No official, employee, board, commission, or agency of the state of Missouri, any county, any municipality, any school district, or any other political subdivision shall discriminate between persons licensed under section 337.600 to 337.689, when promulgating regulations or when requiring or recommending services that legally may be performed by persons licensed under sections 337.600 to 337.689.”; and

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

On motion of Representative Parker, **House Amendment No. 6** was adopted.

Representative Whorton offered **House Amendment No. 7**.

Speaker Pro Tem Jetton resumed the Chair.

Representative Goodman raised a point of order that **House Amendment No. 7** is not germane to the underlying bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 41, Section 332.081, Line 5, by inserting immediately after said line the following:

“Any licensee of this chapter who is employed by, or contracts with, the health center who has reasonable cause to believe that the health center has violated any provisions of this chapter or of any other law, or has engaged in any activity which endangers the health or safety of the public, shall be required to reports such violations or activities to the board. No person who directs or exercises any authority in a health center shall harass, dismiss, or retaliate against a licensee of this chapter because such licensee has reported any violations of law or any actions endangering public health or safety which the licensee reasonably believes have occurred. Anyone who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from civil or criminal liability for making such a report or for testifying except from liability for perjury, unless such a person acted in bad faith or with malicious purpose.”; and

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

Representative Witte moved that **House Amendment No. 8** be adopted.

Which motion was defeated.

Speaker Hanaway resumed the Chair.

On motion of Representative Behnen, **HS HCS SS SS SCS SB 1122, as amended**, was adopted.

On motion of Representative Behnen, **HS HCS SS SS SCS SB 1122, as amended**, was read the third time and passed by the following vote:

AYES: 151

Angst	Baker	Bean	Bearden	Behnen
Bishop	Bivins	Black	Bland	Bough
Boykins	Bringer	Brooks	Brown	Bruns
Burnett	Byrd	Campbell	Carnahan	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	Emery	Engler	Ervin
Fares	Fraser	George	Goodman	Graham
Green	Guest	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Hubbard	Hunter
Iceet	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 36	King
Kingery	Kratky	Kuessner	Lager	Lawson
Lembke	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meadows	Meiners	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Sander	Schaaf	Schlottach	Schoemehl
Seigfreid	Self	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Swinger	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 003

Barnitz	Schneider	Selby
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PRESENT: 000

ABSENT WITH LEAVE: 009

Abel	Avery	Darrough	El-Amin	Hampton
Holand	Hoskins	Kelly 144	Shoemaker	

Speaker Hanaway declared the bill passed.

HOUSE BILL WITH SENATE AMENDMENT

SCS HB 1548, as amended, relating to state employees' pay, was taken up by Representative Crawford.

Representative Crawford moved that the House refuse to adopt **SCS HB 1548, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

SENATE CONCURRENT RESOLUTION

HCS SS SCS SCR 36, relating to underage driving, was taken up by Representative Stefanick.

On motion of Representative Stefanick, **HCS SS SCS SCR 36** was adopted.

THIRD READING OF SENATE BILL

SS SCS SBs 1233, 840 & 1043, relating to motor vehicles, was taken up by Representative Crawford.

Representative Crawford offered **HS SS SCS SBs 1233, 840 & 1043**.

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

House Amendment No. 1

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1233, 840 & 1043, Page 15, Section 67.1800, Lines 2 to 22 of said page, by deleting all of said lines and inserting the following:

"and premium sedans referred to collectively as taxicabs;"; and

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

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

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

House Amendment No. 2

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1233, 840 & 1043, Page 22, Section 137.298, Line 18 of said page, by inserting after the word "**paid.**" and before the word "**For**" the following:

"If the outstanding vehicle-related fees and fines are against a car that is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time the fees or fines are assessed, the rental or leasing company may rebut the presumption by providing the county governing body and county collector a copy of the rental or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing company shall not be charged for these fees or fines under this subsection unless prior written notice of the fees or fines have been given to that rental or leasing company by ordinary mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice."; and

Further amend said bill, Page 57, Section 301.025, Line 17 of said page, by inserting after the word "**registration.**" and before the word "**For**" the following:

"If the vehicle-related fees and fines are assessed against a car that is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time the fees or fines are assessed, the rental or leasing company may rebut the presumption by providing the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county with a copy of the rental or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing company shall not be charged for fees or fines under this subsection, nor shall the registration of a vehicle be suspended, unless prior written notice of the fees or fines has been given to that rental or leasing company by ordinary mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice. Any notification to a rental or leasing company that is returned to the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration."; and

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

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

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

House Amendment No. 3

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1233, 840 & 1043, Page 30, Section 226.060, Line 14, by inserting immediately after said line the following:

"226.092. The state highways and transportation commission is authorized, when considered by it to be in the public interest, to provide [as part compensation to the employee involved,] liability insurance covering the operation of [state-owned vehicles involved in the performance of operations of the] **all motor vehicles and equipment, including airplanes and boats, owned, leased, rented, or operated pursuant to commission authorization and used in the performance of official commission or department business.** The commission is authorized to provide such insurance coverage for [its employees] **all authorized operators, as determined by the commission,** and the commission's liability by a plan of self-insurance or by a plan partially self-insured and partially insured by a contract of insurance with an insurance **with an insurance company or by a plan fully insured by a contract of insurance** company as the commission deems to be in the public interest. If the commission provides for a plan of self-insurance or partial self-insurance, it shall annually determine the amount of contribution to the plan required to pay all accrued and anticipated claims and the cost of administering the plan and shall include such amount in its budget request for contribution to the [highways and transportation commission automobile liability insurance] **commission's self-**

insurance plan. The commission may contract for the services of such actuaries, consultants, and claims administrators as it deems necessary for the effective administration of a [self-insured automobile liability] **self-insurance** plan and is authorized to contract for excess insurance coverage with an insurance company authorized to write such coverage in this state. The immunity in tort actions of the state and the [state highways and transportation commission] shall not be in any way affected by this section."; and

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

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

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

House Amendment No. 4

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1233, 840 & 1043, Page 184, Section 301.3155, Line 13, by deleting the words "**Go Red For Women**" and inserting in lieu thereof the words:

"Red Dress Icon"; and

Further amend said bill, Page 185, Section 301.3155, Line 6, by deleting the words "**Go Red For Women**" and inserting in lieu thereof the words:

"Red Dress Icon"; and

Further amend said bill, Page 185, Section 301.3155, Lines 7 through 9, by deleting all of said lines and inserting the following:

"the words "Winning Women" shall replace the words "SHOW-ME STATE". Such license plates shall be made with fully"; and

Further amend said bill, Page 185, Section 301.3155, Line 17, by deleting the words "**Go Red For Women**" and inserting in lieu thereof the words "**Red Dress Icon**"; and

Further amend said bill, Page 185, Section 301.3155, Line 20, by deleting the words "**Go Red For Women**" and inserting in lieu thereof the words "**Red Dress Icon**"; and

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

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

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

House Amendment No. 5

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1233, 840 & 1043, Page 304, Section 307.100, Line 18 of said page, by inserting after all of said line the following:

"307.178. 1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand pounds or more.

2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required in section 210.104, RSMo. No person shall be stopped, inspected, or detained [solely to determine compliance with this subsection] **for a violation of this section unless the violation is clearly visible to the officer without stopping the vehicle.** The provisions of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law **or for a search of the driver, passenger, or vehicle.**

3. Each driver of a motor vehicle transporting a child four years of age or more, but less than sixteen years of age, shall secure the child in a properly adjusted and fastened safety belt.

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. Each driver who violates the provisions of subsection 2 or 3 of this section is guilty of an infraction for which a fine not to exceed [ten] **twenty-five** dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for a violation of this section.

6. The department of public safety shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The department of public safety shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the driver and passengers are not in violation of this section."; and

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

SS SCS SBs 1233, 840 & 1043, with House Amendment No. 5 and HS, as amended, pending, was laid over.

Representative Cooper (120) assumed the Chair.

MOTION

Representative Crowell moved that Rule 23 be suspended to allow the members of the House Conference Committees on **HS HCS SCS#2 SB 762, as amended,** and **SS SCS HS HCS HB 1453** to meet while the House is in session.

Which motion was adopted by the following vote:

AYES: 123

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black	Bough
Brooks	Brown	Bruns	Byrd	Campbell
Carnahan	Cooper 120	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dusenberg	Emery	Engler	Ervin	Fares
George	Goodman	Graham	Guest	Haywood
Hilgemann	Hobbs	Holand	Hunter	Ice
Jackson	Jetton	Johnson 47	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Lager	Lawson	Lembke	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meiners	Miller	Moore	Morris	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Ransdall	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Self
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson
Sutherland	Swinger	Taylor	Townley	Viebrock
Villa	Wagner	Walker	Wallace	Walsh
Wasson	Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Wood	Wright	Yates
Young	Zweifel	Madam Speaker		

NOES: 030

Bland	Bringer	Burnett	Daus	Dougherty
Green	Harris 110	Harris 23	Henke	Hoskins
Hubbard	Johnson 61	Johnson 90	Kuessner	LeVota
Liese	Meadows	Muckler	Sager	Selby
Shoemyer	Skaggs	Spreng	Thompson	Vogt
Walton	Ward	Whorton	Witte	Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 010

Abel	Avery	Boykins	Cooper 155	Darrough
El-Amin	Fraser	Hampton	Shoemaker	Threlkeld

THIRD READING OF SENATE BILL

SS SCS SBs 1233, 840 & 1043, with House Amendment No. 5 and HS, as amended, pending, relating to motor vehicles, was again taken up by Representative Crawford.

Representative Crawford offered **House Amendment No. 1 to House Amendment No. 5.**

House Amendment No. 1
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1233, 840 & 1043, Page 3, Section 307.178, Line 17, by deleting the word “**twenty-five**” and inserting the word “**fifteen**”.

Representative Purgason offered **House Substitute Amendment No. 1 for House Amendment No. 5**.

House Substitute Amendment No. 1 for House Amendment No. 5 was withdrawn.

Speaker Hanaway resumed the Chair.

SS SCS SBs 1233, 840 & 1043, with House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 and HS, as amended, pending, was laid over.

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 841**, entitled:

An act to amend chapter 306, RSMo, by adding thereto one new section relating to containers on watercraft, with a penalty provision.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Bill No. 841, Page 1, Section A, Line 2, by inserting after all of said line the following:

"306.114. 1. No person convicted of or pleading guilty to a violation of section 306.111 or 306.112 shall be granted a suspended imposition of sentence, unless such person is placed on probation for a minimum of two years and a record of the conviction or plea of guilty is entered into the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol.

2. Chemical tests of a person's blood, breath, or saliva to be considered valid under the provisions of sections 306.111 to 306.119 shall be performed according to methods and devices approved by the department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the department of health and senior services for this purpose. **In addition, any state, county, or municipal law enforcement officer who is certified pursuant to chapter 590, RSMo, may, prior to arrest, administer a portable chemical test to any person suspected of operating any vessel in violation of section 306.111 or 306.112. A portable chemical test shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 306.116 shall not apply to a test administered prior to arrest pursuant to this section.**

3. The department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to conduct tests required by sections 306.111 to 306.119, and shall establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination, suspension or revocation by the department of health and senior services.

4. A licensed physician, registered nurse, or trained medical technician, acting at the request and direction of a law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless the medical personnel, in the exercise of good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test or a saliva specimen. In withdrawing blood for the purpose of determining the alcohol content in the blood, only a previously unused and sterile needle and sterile vessel shall be used and the withdrawal shall otherwise be in strict accord with accepted medical practices. A nonalcoholic antiseptic shall be used for cleansing the skin prior to a venapuncture. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him.

5. No person who administers any test pursuant to the provisions of sections 306.111 to 306.119 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated, shall be civilly liable for damages to the person tested, except for negligence in administering of the test or for willful and wanton acts or omissions.

6. Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusing to take a test as provided in sections 306.111 to 306.119 shall be deemed not to have withdrawn the consent provided by section 306.116 and the test or tests may be administered."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Committee Substitute for House Bill No. 841, Page 1, Section 306.325, Line 13, by deleting from said line the word "other" and inserting in lieu thereof the word "**similar**"; and

Further amend same page, same section, Line 17, by deleting the words "such container" and inserting in lieu thereof the words "**a cooler, icebox, or similar nonglass container**".

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 1182, as amended**, and grants the House a conference thereon.

Madam 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 **SS SCS HCS HB 1182, as amended**: Senators Klindt, Cauthorn, Scott, Bray and Mathewson.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HS HCS HB 1453, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Shields, Champion, Steelman, Dougherty and Wheeler.

Madam 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 SB 884**, and has taken up and passed **CCS HCS SB 884**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 1365**, and has taken up and passed **HCS SCS SB 1365**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SB 1394, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 1548, as amended**, and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Cauthorn, Caskey, Dougherty, Klindt and Vogel.

APPOINTMENT OF CONFERENCE COMMITTEES

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

SCS HB 1548: Representatives Deeken, Crawford, Byrd, Seigfreid and Walsh

SS SCS HS HCS HB 1453: Representatives Hanaway, Stevenson, Wright, Bishop and Riback Wilson (25)

SS SCS HCS HB 1182: Representatives Munzlinger, Guest, Hobbs, Shoemyer and Henke

COMMITTEE REPORTS

Committee on Corrections and State Institutions, Chairman Kelly (144) reporting:

Madam Speaker: Your Committee on Corrections and State Institutions, to which was referred **SCR 35**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

HOUSE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 35

Relating to the renaming of a building at the Southeast Missouri Mental Health Center.

WHEREAS, the Southeast Missouri Mental Health Center is located near Farmington, Missouri; and

WHEREAS, the Center Building of the Southeast Missouri Mental Health Center has a bed capacity of one hundred eighty-six beds, plus forty beds in five adjacent group homes; and

WHEREAS, Southeast Missouri Mental Health Center maintains an Acute and Intermediate Care Unit and a Forensic Services Unit to provide a client environment that includes interdisciplinary treatment in the areas of psychiatry,

psychiatric nursing, patient and family education, work therapy, a group home program, an interactive computer system, a fitness center and other services; and

WHEREAS, Danny Staples was a member of the House of Representatives for six years and a state Senator for twenty years representing the citizens of his district; and

WHEREAS, former Senator Danny Staples was a leader and instrumental in furthering the development of the Southeast Missouri Mental Health Center which provides treatment and care in the state of Missouri; and

WHEREAS, because of Senator Staples' efforts, the Southeast Missouri Mental Health Center is the modern treatment center that it is today; and

WHEREAS, Senator Staples deserves permanent recognition of his work on behalf of mental health treatment and care in the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate that the Center Building at the Southeast Missouri Mental Health Center at Farmington in St. Francois County shall hereinafter be known as the "Danny Staples Building"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution, and if approved, notify the Director of the Missouri Department of Mental Health.

Committee on Professional Registration and Licensing, Chairman Behnen reporting:

Madam Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SCS SB 1096**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Rules, Chairman Crowell reporting:

Madam Speaker: Your Committee on Rules, to which was referred **HR 2913**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 2913

WHEREAS, Big Brothers Big Sisters is the oldest and largest youth mentoring organization in the United States; and

WHEREAS, the first official Big Brothers organization was founded in 1904 in New York City by Ernest Coulter, a clerk of the Juvenile Court; and

WHEREAS, Coulter appealed to local civic and business leaders to take on the role of "Big Brother" to the thousands of suffering children who repeatedly came through the court system, and as a result, forty men stepped forward answering the request of Mr. Coulter; and

WHEREAS, meanwhile across town, a group of women also began a similar program befriending girls who came before the children's court, thus creating the movement now known as Big Brothers Big Sisters of America; and

WHEREAS, Big Brothers Big Sisters matches caring adults with children in one-to-one relationships with friendship as its cornerstone; and

WHEREAS, the organization works closely with parents to match every child with the appropriate Big Brother or Big Sister; and

WHEREAS, youth who participate in this organization are 52% less likely to skip a day of school and 46% less likely to start using drugs than peers who are not in the program; and

WHEREAS, youth involved in Big Brothers Big Sisters show improved school performance and attendance, better grades and greater self confidence; and

WHEREAS, today Big Brothers Big Sisters serves more than 200,000 youths in 5,000 communities in all fifty states; and

WHEREAS, in 2004, the Big Brothers Big Sisters organization is commemorating their 100th anniversary:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, hereby acknowledge the tremendous efforts and success of the Big Brothers Big Sisters Organization and declare September 15, 2004 as "Big Brothers Big Sisters Day" in Missouri.

Madam Speaker: Your Committee on Rules, to which was referred **SCR 51**, begs leave to report it has examined the same and recommends that it **Do Pass**.

SENATE CONCURRENT RESOLUTION NO. 51

Relating to recognition of the Ellis Fischel Cancer Center.

WHEREAS, on January 11, 1937, Governor Lloyd C. Stark of Missouri in his inaugural address stressed the desirability and importance of a cancer hospital, which should be available to "the humblest citizen"; and

WHEREAS, Senator Michael Kinney of St. Louis introduced a cancer hospital bill to the 59th General Assembly, a measure which was subsequently passed and signed by Governor Stark on May 28, 1937; and

WHEREAS, the bill provided for the erection and operation of the first state cancer hospital in the country and provision for the establishment of diagnostic clinics, and for the Governor to appoint a State Cancer Commission to supervise the maintenance and operation of the state's cancer program and to appoint a hospital administrator; and

WHEREAS, the cornerstone for this historic state cancer hospital was laid December 9, 1938, and the hospital opened in 1940 as the Ellis Fischel State Cancer Hospital in honor of Dr. Ellis Fischel, a St. Louis surgeon who was a staunch advocate and chairman of the Missouri State Cancer Commission who suffered an early and unfortunate death before the hospital was completed; and

WHEREAS, the Ellis Fischel State Cancer Hospital has a long and historical record of compassionate cancer treatment for the citizenry of Missouri and beyond, and of cancer outreach education and prevention activities that have engaged virtually every county in the State of Missouri; and

WHEREAS, the Ellis Fischel State Cancer Hospital, which has been owned and operated by the State of Missouri under the authority of the Missouri State Cancer Commission for fifty years, was transferred by Governor John Ashcroft from management by the Missouri Department of Health and Senior Services to that of the Curators of the University of Missouri, a sovereign entity of the State of Missouri, on November 1, 1990; and

WHEREAS, this transfer of management and the merger of the highest quality cancer research, education, and treatment programs between the staffs of the Ellis Fischel State Cancer Hospital and the Medical School of the University of Missouri-Columbia, which resulted in renaming the program the Ellis Fischel Cancer Center, has resulted in a State Cancer Hospital that provides research in the causes, prevention, and treatment of cancer of the very highest quality care for Missourians:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, the House of Representatives concurring therein, unanimously join in extending our recognition of the history and service of the Ellis Fischel Cancer Center as the designated cancer institute of the State of Missouri; and

BE IT FURTHER RESOLVED that this resolution be sent to the governor for his approval or rejection pursuant to the Missouri Constitution.

Special Committee on General Laws, Chairman Wright reporting:

Madam Speaker: Your Special Committee on General Laws, to which was referred **SCS SB 1220**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS HS HCS HBs 1268 & 1211**, entitled:

An act to repeal sections 285.300, 288.030, 288.032, 288.034, 288.036, 288.038, 288.040, 288.050, 288.060, 288.090, 288.100, 288.110, 288.120, 288.121, 288.122, 288.128, 288.290, 288.310, 288.330, 288.380, and 288.500, RSMo, and to enact in lieu thereof twenty-eight new sections relating to employees, with penalty provisions and an emergency clause.

With Senate Amendment No. 1 and Senate Amendment No. 3.

Senate Amendment No. 1

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1268 & 1211, Page 105, Section 288.330, Line 9, by striking the word “he” and insert in lieu thereof the following:

“The”.

Senate Amendment No. 3

AMEND Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1268 & 1211, Page 131, Section B, Lines 22-23, by striking all of said lines and insert in lieu thereof the following:

“meaning of the constitution, and sections 288.128, 288.310 and 288.330 of this act shall be in full force and effect upon its passage and approval. The remaining provisions of this act shall be in full force and effect January 1, 2005.”; and

Further amend the title by adding “with an effective date for certain sections.”.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SCR 48**, entitled:

SENATE COMMITTEE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 48

Relating to the establishment of a Hepatitis C Task Force

WHEREAS, hepatitis C is a disease of the liver caused by the hepatitis C virus which damages liver cells and causes the liver to become swollen and tender, however, hepatitis has many other causes, including some medications, long-term alcohol abuse, and exposure to industrial chemicals; and

WHEREAS, although there is no vaccine to prevent infection with the hepatitis C virus (HCV), research is underway to develop one, but it is difficult to create an effective vaccine because new strains of the original virus can develop that are not affected by a vaccine against the original strain; and

WHEREAS, since all donated blood is screened for hepatitis C, many people are unaware they have hepatitis C until they try to donate blood and are notified by a blood donation center; and

WHEREAS, chronic hepatitis may be treated with medications that fight viral infections, however, the standard treatment of interferon and ribavirin is not an option for every person and only 30%-40% of those who receive antivirals are cured of the infection; and

WHEREAS, the impact of the disease on certain populations, such as intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals, is still unknown in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Hepatitis C Task Force to examine the impact of the hepatitis C virus (HCV) on intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals in Missouri; and

BE IT FURTHER RESOLVED that the Task Force shall be comprised of the following nine persons appointed by the Governor with the advice and consent of the Senate:

- (1) Two persons from the Department of Mental Health;
- (2) Two persons from the Department of Health and Senior Services;
- (3) One person from the Department of Corrections;
- (4) Two persons from community organizations providing services to persons with HCV; and
- (5) Two persons living with HCV; and

BE IT FURTHER RESOLVED that two members of the Senate appointed by the President Pro Tem of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives and shall serve in an advisory capacity to the Task Force; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Task Force; and

BE IT FURTHER RESOLVED that the Task Force shall conduct research and evaluate key legislative, programmatic, and socioeconomic issues that are related to the impact of HCV on the aforementioned populations and make recommendations on ways to improve outreach, prevention, and intervention; and

BE IT FURTHER RESOLVED that the Task Force shall complete its work and submit a report to the General Assembly within one year of its formation, with the advisory House and Senate members of the Task Force providing guidance to the Task Force in its conduct and scope of its work; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 799** and has taken up and passed **HCS SCS SB 799**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 1181** and has taken up and passed **HCS SCS SB 1181**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 1247** and has taken up and passed **HCS SCS SB 1247**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 1274** and has taken up and passed **HCS SB 1274**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 1329, as amended**, and has taken up and passed **HCS SB 1329, as amended**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCR 26** and has taken up and passed **HCS SS SCR 26**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 49**.

SENATE CONCURRENT RESOLUTION NO. 49

WHEREAS, the General Assembly favors a sound dollar that reflects economic fundamentals, but not one that is so excessively strong as to be overvalued; and

WHEREAS, the value of the U.S. dollar against other major currencies has risen thirty percent since 1997 and has reached the highest level in sixteen years despite the fact that economic fundamentals have moved in the opposite direction; and

WHEREAS, this rise in the value of the dollar is imposing the equivalent of a thirty percent added tariff on U.S. exports and permits imports to be sold at artificially low prices in the United States—with the effect of severely hampering the exports of American manufactured goods, artificially increasing imports above what they otherwise would be, and distorting the earnings of U.S. affiliates overseas; and

WHEREAS, since August 2000, U.S. manufactured goods exports fell one hundred forty billion dollars, which accounted for nearly forty percent of the decline in U.S. manufacturing production and employment and for the loss of more than five hundred thousand factory jobs; and

WHEREAS, a broad range of U.S. industries have seen a sharp decline in their ability to compete against imports since the dollar began its climb in 1997, with commensurate additional losses of American jobs; and

WHEREAS, both small and large companies are being affected, and after rising steadily throughout the 1990s, the proportion of small- and medium-sized companies exporting at least twenty-five percent of their production has now declined to the lowest level since the National Association of Manufacturers began surveying; and

WHEREAS, the trade and job losses related to the excessive strength of the dollar are decreasing support for free trade policies and leading to increased pressures for protectionism; and

WHEREAS, the value of the dollar has failed to move in the direction of an equilibrium that would end trade distortions, principally because of market imperfections such as a belief that governments will intervene to keep currency relationships at their present levels:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, urge the President of the United States of America and Congress to consider actions that can be taken to enable the dollar and other major currencies to move toward their equilibrium rates by correcting market imperfections, countering foreign country currency manipulations, and seeking cooperation among major countries in taking coordinated actions as appropriate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 1114** and has taken up and passed **HCS SB 1114**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 869**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1449**.

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1288**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1288, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, 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. 1288, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1288;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1288, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Sen. John Griesheimer
/s/ Sen. Sarah Steelman
/s/ Sen. Dan Clemens
/s/ Sen. James Mathewson
/s/ Sen. Steve Stoll

FOR THE HOUSE:

/s/ Rep. Kevin Threlkeld
/s/ Rep. Jim Guest
/s/ Rep. Neal St. Onge
/s/ Rep. Jim Whorton
/s/ Rep. Wayne Henke

**CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
HOUSE BILL NO. 1487**

The Conference Committee appointed on House Substitute for House Bill No. 1487, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 2 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Substitute for House Bill No. 1487, as amended;
2. That the House recede from its position on House Substitute for House Bill No. 1487;
3. That the attached Conference Committee Substitute for House Substitute for House Bill No. 1487, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Sen. Delbert Scott
/s/ Sen. Matt Bartle
/s/ Sen. Sarah Steelman
/s/ Sen. Joan Bray
/s/ Sen. Rita Heard Days

FOR THE HOUSE:

/s/ Rep. Tom Self
/s/ Rep. Jack Goodman
/s/ Rep. Todd Smith
/s/ Rep. Cathy Jolly
/s/ Rep. Rachel Bringer

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 884**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 884, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 884;
2. That the Senate recede from its position on Senate Bill No. 884;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 884, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Sen. David Klindt
/s/ Sen. Matt Bartle
/s/ Sen. Michael Gibbons
/s/ Sen. Ken Jacob
/s/ Sen. Harold Caskey

FOR THE HOUSE:

/s/ Rep. Richard Byrd
/s/ Rep. Brad Lager
/s/ Rep. Brian Yates
/s/ Rep. Philip Willoughby
/s/ Rep. Michael Vogt

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, May 13, 2004.

AFFIDAVITS

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

Subscribed and sworn to before me this 12th day of May in the year 2004.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

Subscribed and sworn to before me this 12th day of May in the year 2004.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

[illegible]

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Tom Demspey, District 18, hereby state and affirm that my votes as recorded on Pages 1716-1717, 1717-1718, 1718-1719, and 1719-1720 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave were incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time these votes were taken, I did in fact vote, and my votes or absence were incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Tom Demspey
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Chuck Graham, District 24, hereby state and affirm that my votes as recorded on Pages 1695 and 1697 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave were incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time these votes were taken, I did in fact vote, and my votes or absence were incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Chuck Graham
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Jim Guest, District 5, hereby state and affirm that my vote as recorded on Page 1723 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Jim Guest
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Rick Johnson, District 90, hereby state and affirm that my votes as recorded on Pages 1697 and 1722 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave were incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time these votes were taken, I did in fact vote, and my votes or absence were incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Rick Johnson
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Larry Morris, District 138, hereby state and affirm that my vote as recorded on Pages 1722-1723 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Larry Morris
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Rex Rector, District 124, hereby state and affirm that my vote as recorded on Page 1709 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

1819 *Journal of the House*

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Rex Rector
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Scott T. Rupp, District 13, hereby state and affirm that my vote as recorded on Page 1699 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Scott T. Rupp
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Bryan P. Stevenson, District 128, hereby state and affirm that my vote as recorded on Page 1721 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Bryan P. Stevenson
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Gina Walsh, District 69, hereby state and affirm that my vote as recorded on Page 1707 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant

to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Gina Walsh
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Jay Wasson, District 141, hereby state and affirm that my votes as recorded on Pages 1709 and 1710 of the House Journal for Tuesday, May 11, 2004 showing that I voted absent with leave were incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time these votes were taken, I did in fact vote, and my votes or absence were incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2004.

/s/ Jay Wasson
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 12th day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

BUDGET

Thursday, May 13, 2004, 8:00 a.m. Hearing Room 3.

Possible Executive session. Other bills as assigned or referred for fiscal review.

BUDGET

Friday, May 14, 2004, 8:00 a.m. Hearing Room 3.

Possible Executive session. Other bills as assigned or referred for fiscal review.

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS AND LEASES OVERSIGHT

Thursday, May 13, 2004, 9:00 a.m. Senate Committee Room 1.

Discussion of possible tours.

HOUSE CALENDAR

SIXTY-NINTH DAY, THURSDAY, MAY 13, 2004

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 2 HCS HB 1380 - Lager (4)
- 3 HB 1092 - Deeken (114)
- 4 HCS HB 843, 880 & 1042 - Angst (146)
- 5 HB 1424 - Stefanick (93)
- 6 HB 1302 - Lager (4)
- 7 HCS HB 1085, HA 6 and HS, as amended, pending - Townley (112)
- 8 HB 1337 - Nieves (98)
- 9 HCS HB 1243, 1094 & 931 - Mayer (159)
- 10 HCS HB 1267 - Cooper (120)
- 11 HB 1408 - Mayer (159)
- 12 HCS HB 1671 - Hanaway (87)
- 13 HB 881 - Bruns (113)
- 14 HCS HB 957 - Cunningham (145)
- 15 HCS HB 1702 - Thompson (72)
- 16 HCS HB 1480 - Rupp (13)
- 17 HCS HB 1467 & 903 - Sutherland (99)
- 18 HB 1626 - Stevenson (128)
- 19 HB 1547 - Wood (62)
- 20 HB 1678 - St. Onge (88)

HOUSE BILL FOR THIRD READING

HCS HB 1181 & 1719, (Budget 5-04-04) - Selby (105)

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 1524 - Ransdall (148)
- 2 HCS HB 1069 - Bivins (97)

SENATE CONCURRENT RESOLUTION FOR SECOND READING

SCS SCR 48

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

- 1 HCS SCR 35, (5-12-04) - Kelly (144)
- 2 SCR 51, (5-12-04) - Goodman (132)

SENATE CONCURRENT RESOLUTIONS

- 1 SCR 37, (4-29-04, Pages 1289-1290) - Engler (106)
- 2 SCR 34, (2-16-04, Page 331) - Crawford (117)
- 3 HCS SCR 32, (5-07-04, Pages 1629-1630) - Fares (91)
- 4 SS SCR 47, HCA 1, (5-07-04, Pages 1631-1632) - Pearce (121)
- 5 SCR 30, (5-11-04, Pages 1731-1732) - Yates (56)

SENATE JOINT RESOLUTIONS FOR THIRD READING

- 1 SJR 29 - Engler (106)
- 2 SCS SJR 44 - Crawford (117)

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SB 772 - Daus (67)
- 2 SB 894 - Dusenberg (54)
- 3 SCS SB 962 - Lager (4)
- 4 SCS SB 974 - Rupp (13)
- 5 SCS SB 1188, E.C. - Luetkemeyer (115)
- 6 SCS SB 1212 - Johnson (47)
- 7 SCS SB 1215 - Dixon (140)
- 8 SB 781 - Byrd (94)
- 9 SB 883 - Lager (4)
- 10 SCS SB 1044 - Pearce (121)
- 11 HCS SCS SB 771 - Daus (67)
- 12 SCS SB 1075 - Jones (63)
- 13 SB 1296 - Dougherty (53)
- 14 HCS SCS SB 1336 - Bruns (113)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 754 - Luetkemeyer (115)
- 2 SCS SB 1040, HCA 1, E.C. - Townley (112)
- 3 HCS SCS SBs 1144, 919 & 874, E.C. - Schlottach (111)
- 4 SS SS SCS SB 715 - Johnson (47)
- 5 HCS SCS SB 1038 - Luetkemeyer (115)
- 6 SB 966 - Smith (118)
- 7 HCS SS SS SCS SB 1371 - Threlkeld (109)
- 8 SCS SB 1062 - Johnson (47)

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- 9 SCS SB 1155 - Dempsey (18)
- 10 SCS SB 1045 - Haywood (71)
- 11 SS SCS SBs 1233, 840 & 1043, HA 1 to HA 5, HA 5 and HS, as amended, pending - Crawford (117)
- 12 HCS SB 1211 - Byrd (94)
- 13 SCS SB 1265 - Byrd (94)
- 14 HCS SB 1391 - Black (161)
- 15 SB 783, E.C. - Smith (118)
- 16 SCS SB 987 - Johnson (47)
- 17 SCS SB 1196 - Lager (4)
- 18 SCS SB 700, (Budget 5-06-04) - Angst (146)
- 19 SCS SB 827 - Byrd (94)
- 20 SB 1007 - Byrd (94)
- 21 HCS SS SCS SB 1034 - Marsh (136)
- 22 SB 1229 - Mayer (159)
- 23 SCS SB 1240 - Schlottach (111)
- 24 SCS SB 1262 - Engler (106)
- 25 SB 1344 - Dempsey (18)
- 26 HCS SCS SB 845 - Jackson (89)
- 27 HCS SB 900 - Schlottach (111)
- 28 HCS SCS SB 1225 - Hubbard (58)
- 29 HCS SB 1323 - Purgason (151)
- 30 HCS SCS SB 710 - Dusenberg (54)
- 31 SB 1153, HCA 1 - Hobbs (21)
- 32 HCS SS SCS SB 1183 - Johnson (47)
- 33 SCS SB 961 - Luetkemeyer (115)
- 34 HCS SCS SB 1116 - Pearce (121)
- 35 HCS SB 807 - Lembke (85)
- 36 HCS SCS SB 972 - McKenna (102)
- 37 HCS SCS SBs 1027 & 896 - Behnen (2)
- 38 SCS SB 810 - Ervin (35)
- 39 HCS SS SB 1023 - Threlkeld (109)
- 40 SB 1064 - Cunningham (145)
- 41 HCS SB 1076 - Byrd (94)
- 42 HCS SCS SB 1171, E.C. - Jackson (89)
- 43 HCS SCS SB 1220 - Sutherland (99)

SENATE BILL FOR THIRD READING - REVISION

SRB 1108 - Crowell (158)

SENATE BILL FOR THIRD READING - FEDERAL MANDATE

SCS SB 1096 - Sutherland (99)

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 1040 and HCS HB 1041, as amended, with motion requesting Senate
recede/grant conference, pending, E.C. - Cunningham (86)
- 2 SCS HCS HB 1177, as amended - Guest (5)
- 3 SS HS HCS HB 1511, as amended - Byrd (94)
- 4 SS HS HCS HB 1207, as amended - Icet (84)
- 5 SCS HS HB 1193 - Self (116)
- 6 SCS HCR 21, (5-07-04, Pages 1633 - 1634) - Ruestman (131)
- 7 HCS HB 1093, SA 1 - Deeken (114)
- 8 HS HCS HB 1433, SA 1 - Wood (62)
- 9 SCS HS HB 1599, as amended - Ervin (35)
- 10 SS#2 SCS HS HCS HB 1268 & 1211, as amended, E.C. - Smith (118)
- 11 SS HS HCS HB 1285 - Engler (106)
- 12 SCS HCS HB 1403 - Moore (20)
- 13 SCS HB 841, as amended - Angst (146)

BILL CARRYING REQUEST MESSAGE

HS HCS SB 1394, as amended, (request House recede/grant conference), E.C. - Cooper (120)

BILLS IN CONFERENCE

- 1 CCR#2 HCS SB 739, as amended - Myers (160)
- 2 CCR SS SCS HCS HB 795, 972, 1128 & 1161, as amended, E.C. - Johnson (47)
- 3 CCR#2 SS HS HCS HB 978, as amended - Baker (123)
- 4 CCR#2 SCS HCS HB 959, as amended - Luetkemeyer (115)
- 5 CCR HCS HB 1617, SSA 1 for SA 1 - Hanaway (87)
- 6 HS HCS SCS#2 SB 762, as amended, E.C. - Hanaway (87)
- 7 CCR HCS SCS SB 1106, (exceed differences), E.C. - Schaaf (28)
- 8 CCR SS HCS HB 1055, as amended - Bruns (113)
- 9 CCR HS HCS SS SCS SB 1081, as amended, (exceed differences) - Pratt (55)
- 10 CCR HS HB 1487, SA 1 to SA 1, SA 2 to SA 1, SA 1, as amended, and SA 2
(exceed differences), E.C. - Self (116)
- 11 CCR SS SCS HCS HB 1288, as amended - Threlkeld (109)
- 12 HS SB 932, as amended - Wilson (130)
- 13 CCR HCS SB 884 - Lager (4)
- 14 HCS SCS SB 758 - Nieves (98)
- 15 HS HCS SCS SBs 1020, 889 & 869, as amended, E.C. - Goodman (132)
- 16 HS HCS SS SCS SB 968 and SCS SB 969, as amended, E.C. - Baker (123)
- 17 SS SCS HCS HB 1182, as amended, E.C. - Munzlinger (1)
- 18 SS SCS HS HCS HB 1453, as amended, E.C. - Hanaway (87)
- 19 SCS HB 1548, as amended - Crawford (117)

VETOED HOUSE BILLS

- 1 HCR 5 - Byrd (94)
- 2 CCS SS#2 SS SCS HS HCS HB 1304 - Byrd (94)

HOUSE CONCURRENT RESOLUTION

HCR 41, (5-06-04, Pages 1587 - 1588) - Phillips (32)

HOUSE RESOLUTION

HR 2913, (5-12-04) - Dixon (140)