

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

SIXTY-SIXTH DAY, MONDAY, MAY 4, 2009

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Representative Witte.

Dear Heavenly Father, first, we praise You, that You, in Your infinite wisdom, have created the world and each and everything in it.

And Heavenly Father, second, we thank You for our loved ones, our family and our friends, and for all the other many blessings that You have bestowed upon us.

And Father, I next ask You for something for me and for all the other members of this body, especially our leaders. Please help us remember that we represent not only those people who live in our districts, but that we also represent this body. Please help us remember that we also need to represent You, in whatever holy form we worship You, in all those things that we think, do or say. Please, Father, give each of us the patience, wisdom and understanding that we need to be the person that You want us to be.

And Father, because we are human, we know that we will need Your forgiveness, and for that we thank You also.

And so Father, we praise You and thank You. We ask You to guide us and direct us in the days and weeks to come and to forgive us when we fail and fall short.

I ask these things of You on behalf of all of those who hear my voice. 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: Jaron Heller, Mary Mazzola, Tristen Wilbers, Addie Dickerson, Sammy Pycior and Tyler Shrout.

The Journal of the sixty-fifth day was approved as corrected by the following vote:

AYES: 138

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 50	Brown 73	Brown 149	Bruns
Burlison	Calloway	Casey	Chappelle-Nadal	Colona
Cooper	Cox	Cunningham	Curls	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	El-Amin	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Gatschenberger	Grill	Grisamore	Guernsey	Guest

Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Riddle	Roorda	Rucker	Ruzicka	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Swinger	Thomson	Tilley	Todd
Tracy	Wallace	Walsh	Walton Gray	Wasson
Webber	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 010

Bringer	Burnett	Holsman	Hughes	Kander
LeVota	Quinn	Scavuzzo	Talboy	Witte

PRESENT: 000

ABSENT WITH LEAVE: 015

Brown 30	Carter	Corcoran	Davis	Dusenberg
Funderburk	Jones 63	Low	Meadows	Morris
Ruestman	Sutherland	Viebrock	Vogt	Webb

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2664 through House Resolution No. 2741

HOUSE CONCURRENT RESOLUTION

Representative Walsh, et al., offered House Concurrent Resolution No. 55.

HOUSE BILL WITH SENATE AMENDMENTS

SCS HCS HB 427, as amended, relating to military members and veterans, was taken up by Representative Largent.

Representative Lipke assumed the Chair.

Representative Largent moved that the House refuse to adopt **SCS HCS HB 427, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted by the following vote:

AYES: 097

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Chappelle-Nadal	Colona	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	El-Amin	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 80	Hoskins 121	Hummel
Jones 89	Jones 117	Kander	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Sutherland	Thomson
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Yates	Zerr			

NOES: 059

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Corcoran	Curls	Englund	Fallert	Fischer 107
Frame	Grill	Harris	Hodges	Holsman
Jones 63	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Morris	Norr	Oxford	Pace	Quinn
Roorda	Scavuzzo	Schieffer	Schoemehl	Schupp
Skaggs	Spreng	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webber
Wildberger	Witte	Yaeger	Zimmerman	

PRESENT: 001

Hughes

ABSENT WITH LEAVE: 006

Icet	Pratt	Tilley	Vogt	Webb
Mr Speaker				

THIRD READING OF SENATE BILLS

SCS SB 542, relating to investments by the state treasurer, was taken up by Representative Flook.

On motion of Representative Flook, **SCS SB 542** was truly agreed to and finally passed by the following vote:

AYES: 155

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright	Yaeger	Yates	Zerr	Zimmerman

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Dugger	Icet	Nasheed	Pratt	Tilley
Vogt	Webb	Mr Speaker		

Representative Lipke declared the bill passed.

SB 217, relating to corporate shareholder meetings, was taken up by Representative Stevenson.

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

House Amendment No. 1

AMEND Senate Bill No. 217, Section A, Page 1, Line 2, by inserting after all of said section and line the following:

"347.183. In addition to the other powers of the secretary established in sections 347.010 to 347.187, the secretary shall, as is reasonably necessary to enable the secretary to administer sections 347.010 to 347.187 efficiently and to perform the secretary's duties, have the following powers including, but not limited to:

(1) The power to examine the books and records of any limited liability company to which sections 347.010 to 347.187 apply, and it shall be the duty of any manager, member or agent of such limited liability company having possession or control of such books and records, to produce such books and records for examination on demand of the secretary or his designated employee; except that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by examination of any limited liability company books and records, which they may produce or exhibit for examination; or on account of any other matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary or his designated employee. All facts obtained in the examination of the books and records of any limited liability company, or through the voluntary sworn statement of any manager, member, agent or employee of any limited liability company, shall be treated as confidential, except insofar as official duty may require the disclosure of same, or when such facts are material to any issue in any legal proceeding in which the secretary or his designated employee may be a party or called as witness, and, if the secretary or his designated employee shall, except as provided in this subdivision, disclose any information relative to the private accounts, affairs, and transactions of any such limited liability company, he shall be guilty of a class C misdemeanor. If any manager, member or registered agent in possession or control of such books and records of any such limited liability company shall refuse a demand of the secretary or his designated employee, to exhibit the books and records of such limited liability company for examination, such person shall be guilty of a class B misdemeanor;

(2) The power to cancel or disapprove any articles of organization or other filing required under sections 347.010 to 347.187, if the limited liability company fails to comply with the provisions of sections 347.010 to 347.187 by failing to file required documents under sections 347.010 to 347.187, by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by certified mail, deposited in the United States mail in a sealed envelope addressed to such limited liability company's last registered agent in office, or to one of the limited liability company's members or managers. Written notice of the secretary's proposed cancellation to the limited liability company, domestic or foreign, shall specify the reasons for such action. The limited liability company may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited liability company is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the articles of organization or other relevant documents and a copy of the proposed written cancellation thereof by the secretary, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action. The limited liability company may provide information to the secretary that would allow the secretary to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents;

(3) The power to rescind cancellation provided for in subdivision (2) of this section upon compliance with either of the following:

(a) The affected limited liability company provides the necessary documents and affidavits indicating the limited liability company has corrected the conditions causing the proposed cancellation or the cancellation; or

(b) The limited liability company provides the correct statements or documentation that the limited liability company is not in violation of any section of the criminal code; and

(4) The power to charge late filing fees for any filing fee required under sections 347.010 to 347.187 and the power to impose civil penalties as provided in section 347.053. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency;

(5) (a) The power to administratively cancel an articles of organization if the limited liability company's period of duration stated in articles of organization expires.

(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary shall notify the limited liability company with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such

limited liability company's last registered agent and office or to one of the limited liability company's managers or members.

(c) If the limited liability company does not timely file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary that the period of duration determined by the secretary is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary shall cancel the articles of organization by signing an administrative cancellation that recites the grounds for cancellation and its effective date. The secretary shall file the original of the administrative cancellation and serve a copy on the limited liability company as provided in section 347.051.

(d) A limited liability company whose articles of organization has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 347.147 and notify claimants under section 347.141.

(e) The administrative cancellation of an articles of organization does not terminate the authority of its registered agent.

(6) (a) The power to rescind an administrative cancellation and reinstate the articles of organization.

(b) Except as otherwise provided in the operating agreement, a limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may file an articles of amendment in accordance with section 347.041 to extend the duration of the limited liability company, which may be any number or perpetual.

(c) A limited liability company whose articles of organization has been administratively cancelled under subdivision (5) of this section may apply to the secretary for reinstatement. The applicant shall:

a. Recite the name of the limited liability company and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary evidencing the same;

c. State that the limited liability company's name satisfies the requirements of section 347.020;

d. Be accompanied by a reinstatement fee in the amount of one hundred dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary to then be due.

(d) If the secretary determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary shall rescind the cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original articles of organization, and serve a copy on the limited liability company as provided in section 347.051.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the articles of organization and the limited liability company may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited liability company was reissued by the secretary to another entity prior to the time application for reinstatement was filed, the limited liability company applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 347.020 and that has been approved by appropriate action of the limited liability company for changing the name thereof.

(g) If the secretary denies a limited liability company's application for reinstatement following administrative cancellation of the articles of organization, he or she shall serve the limited liability company as provided in section 347.051 with a written notice that explains the reason or reasons for denial.

(h) The limited liability company may appeal a denial of reinstatement as provided for in subdivision (2) of this section.

(7) Subdivision (6) of this section shall apply to any limited liability company whose articles of organization was cancelled because such limited liability company's period of duration stated in the articles of organization expired on or after August 28, 2003.

359.681. In addition to the power and authority given the secretary of state by this chapter, the secretary of state or his designee shall have such further authority as is reasonably necessary to enable the secretary of state to administer this chapter efficiently and to perform the secretary of state's duties. This authority shall consist of, but is not limited to, the following powers:

(1) (a) The power to examine the books and records of any limited partnership to which this chapter applies, and it shall be the duty of any general partner or agent of such limited partnership to produce such books and records

for examination on demand of the secretary of state or designated employee; provided, that no person shall be subject to any criminal prosecution on account of any matter or thing which may be disclosed by the examination of any limited partnership books, or records, which they may produce or exhibit for examination; or on account of any matter or thing concerning which they may make any voluntary and truthful statement in writing to the secretary of state, or designated employee. All facts obtained in the examination of the books and records of any limited partnership, or through voluntary sworn statement of any partner, agent, or employee of any limited partnership, shall be treated as confidential, except insofar as official duty may require the disclosure of same; or when such facts are material to any issue in any legal proceeding in which the secretary of state or designated employee may be a party or called as a witness, and, if the secretary of state or designated employee shall, except as herein provided, disclose any information relative to the private accounts, affairs, and transactions of any such limited partnership, he shall be deemed guilty of a class C misdemeanor.

(b) If any general partner, or registered agent, of any such limited partnership shall refuse the demand of the secretary of state, or designated employee, to exhibit the books and records of such limited partnership for examination, he, or they, shall be deemed guilty of a class B misdemeanor.

(2) (a) The power to cancel or disapprove any certificate of limited partnership or other filing required under this chapter, if the limited partnership fails to comply with the provisions of this chapter by failing to file required documents under this chapter by failing to maintain a registered agent, by failing to pay the required filing fees, by using fraud or deception in effecting any filing, by filing a required document containing a false statement, or by violating any section or sections of the criminal laws of Missouri, the federal government or any other state of the United States. Thirty days before such cancellation shall take effect, the secretary of state shall notify the limited partnership with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited partnership's last registered agent and office or to one of the limited partnership's general partners. The written notice of the secretary of state's proposed cancellation to the limited partnership, domestic or foreign, will specify the reasons for such action.

(b) The limited partnership may appeal this notice of proposed cancellation to the circuit court of the county in which the registered office of such limited partnership is or is proposed to be situated by filing with the clerk of such court a petition setting forth a copy of the certificate of limited partnership or other relevant documents and a copy of the proposed written cancellation thereof by the secretary of state, such petition to be filed within thirty days after notice of such cancellation shall have been given, and the matter shall be tried by the court, and the court shall either sustain the action of the secretary of state or direct him to take such action as the court may deem proper. An appeal from the circuit court in such a case shall be allowed as in civil action.

(c) The limited partnership may provide information to the secretary of state that would allow the secretary of state to withdraw the notice of proposed cancellation. This information may consist of, but need not be limited to, corrected statements and documents, new filings, affidavits and certified copies of other filed documents.

(3) The power to rescind a cancellation provided for in subsection 2 of this section upon compliance with either of the following:

(a) The affected limited partnership provides the necessary documents and affidavits indicating the limited partnership has corrected the conditions causing the proposed cancellation or the cancellation;

(b) The limited partnership provides the correct statements or documentation that the limited partnership is not in violation of any section of the criminal code.

(4) The power to charge late filing fees for any filing fee required under this chapter. Late filing fees shall be assessed at a rate of ten dollars for each thirty-day period of delinquency.

(5) (a) The power to administratively cancel a certificate of limited partnership if the limited partnership's period of duration stated in the certificate of limited partnership expires.

(b) Not less than thirty days before such administrative cancellation shall take effect, the secretary of state shall notify the limited partnership with written notice, either personally or by mail. If mailed, the notice shall be deemed delivered five days after it is deposited in the United States mail in a sealed envelope addressed to such limited partnership's last registered agent and office or to one of the limited partnership's general partners.

(c) If the limited partnership does not timely file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number of years or perpetual, or demonstrate to the reasonable satisfaction of the secretary of state that the period of duration determined by the secretary of state is incorrect, within sixty days after service of the notice is perfected by posting with the United States Postal Service, then the secretary of state shall cancel the certificate of limited partnership by signing a certificate of administrative cancellation that recites the grounds for cancellation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the limited partnership as provided in section 359.141.

(d) A limited partnership whose certificate of limited partnership has been administratively cancelled continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 359.471 and notify claimants under section 359.481.

(e) The administrative cancellation of a certificate of limited partnership does not terminate the authority of its registered agent.

(6) (a) The power to rescind an administrative cancellation and reinstate the certificate of limited partnership.

(b) Except as otherwise provided in the partnership agreement, a limited partnership whose certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may file a certificate of amendment in accordance with section 359.101 to extend the duration of the limited partnership, which may be any number or perpetual.

(c) A limited partnership whose certificate of limited partnership has been administratively cancelled under subdivision (5) of this section may apply to the secretary of state for reinstatement. The applicant shall:

a. Recite the name of the limited partnership and the effective date of its administrative cancellation;

b. State that the grounds for cancellation either did not exist or have been eliminated, as applicable, and be accompanied by documentation satisfactory to the secretary of state evidencing the same;

c. State that the limited partnership's name satisfies the requirements of section 359.021;

d. Be accompanied by a reinstatement fee in the amount of one hundred dollars, or such greater amount as required by state regulation, plus any delinquent fees, penalties, and other charges as determined by the secretary of state to then be due.

(d) If the secretary of state determines that the application contains the information and is accompanied by the fees required in paragraph (c) of this subdivision and that the information and fees are correct, the secretary of state shall rescind the certificate of administrative cancellation and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the limited partnership as provided in section 359.141.

(e) When the reinstatement is effective, it shall relate back to and take effect as of the effective date of the administrative cancellation of the certificate of limited partnership and the limited partnership may continue carrying on its business as if the administrative cancellation had never occurred.

(f) In the event the name of the limited partnership was reissued by the secretary of state to another entity prior to the time application for reinstatement was filed, the limited partnership applying for reinstatement may elect to reinstate using a new name that complies with the requirements of section 359.021 and that has been approved by appropriate action of the limited partnership for changing the name thereof.

(g) If the secretary of state denies a limited partnership's application for reinstatement following administrative cancellation of the certificate of limited partnership, he or she shall serve the limited partnership as provided in section 359.141 with a written notice that explains the reason or reasons for denial.

(h) The limited partnership may appeal a denial of reinstatement as provided for in paragraph (b) of subdivision (2) of this section.

(7) Subdivision (6) of this section shall apply to any limited partnership whose certificate of limited partnership was cancelled because such limited partnership's period of duration stated in the certificate of limited partnership expired on or after August 28, 2003."; and

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

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

On motion of Representative Stevenson, **SB 217, as amended**, was read the third time and passed by the following vote:

AYES: 155

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis

Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hughes	Hummel
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Quinn	Riddle
Roorda	Rucker	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright	Yaeger	Yates	Zerr	Zimmerman

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Dugger	Icey	Pratt	Ruestman	Tilley
Vogt	Webb	Mr Speaker		

Representative Lipke declared the bill passed.

SCS SB 231, relating to landlords and tenants, was taken up by Representative Stevenson.

On motion of Representative Stevenson, **SCS SB 231** was truly agreed to and finally passed by the following vote:

AYES: 158

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs

Hodges	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Talboy
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Walton Gray	Wasson	Webber
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 001

Hughes

PRESENT: 001

Kander

ABSENT WITH LEAVE: 003

Loehner Vogt Webb

Representative Lipke declared the bill passed.

THIRD READING OF HOUSE JOINT RESOLUTION

HJR 37, relating to the right to vote by secret ballot, was taken up by Representative Cunningham.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Bivins	Brandom	Brown 149	Bruns
Burlison	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Lair

Largent	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Thomson	Tilley	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright	Yates
Zerr	Mr Speaker			

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Dougherty
El-Amin	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Norr	Oxford	Pace	Quinn	Roorda
Rucker	Salva	Scavuzzo	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webber	Wildberger	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 30	Kraus	Nasheed	Vogt	Webb
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On motion of Representative Cunningham, **HJR 37** was read the third time and passed by the following vote:

AYES: 082

Allen	Bivins	Brandom	Brown 149	Bruns
Burlison	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hoskins 121	Ice	Jones 89	Jones 117
Keeney	Kingery	Koenig	Lair	Largent
Leara	Lipke	Loehner	McNary	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	Self	Smith 14
Smith 150	Stevenson	Stream	Thomson	Tilley

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Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Yates	Mr Speaker			

NOES: 076

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Dougherty
El-Amin	Englund	Fallert	Fischer 107	Frame
Funderburk	Grill	Harris	Hodges	Holsman
Hoskins 80	Hughes	Hummel	Jones 63	Kander
Kelly	Kirkton	Komo	Kratky	Kuessner
Lampe	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McGhee	McNeil	Meadows
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Seavuzzo	Schieffer	Schoemehl	Schupp	Shively
Silvey	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webber	Wildberger	Witte	Yaeger	Zerr
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 005

Brown 30	Kraus	Sutherland	Vogt	Webb
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Representative Lipke declared the bill passed.

Speaker Richard resumed the Chair.

MOTION

Representative Jones (89), having voting on the prevailing side, moved that the vote by which **HCS HB 22** was third read and defeated, be reconsidered.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

Allen	Bivins	Brandom	Brown 149	Bruns
Burlison	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Kingery	Koenig	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary
Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle

Ruestman	Ruzicka	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Silvey	Smith 14	Smith 150	Stream	Thomson
Tilley	Tracy	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright	Yates	Zerr	Mr Speaker	

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Dougherty
Englund	Fallert	Fischer 107	Frame	Grill
Harris	Hodges	Holsman	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Walsh	Walton Gray
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 009

Brown 30	El-Amin	Hoskins 80	Keeney	Kraus
Stevenson	Sutherland	Vogt	Webb	

Representative Jones (89), having voting on the prevailing side, again moved that the vote by which **HCS HB 22** was third read and defeated, be reconsidered.

Which motion was adopted by the following vote:

AYES: 135

Allen	Atkins	Aull	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Chappelle-Nadal	Cooper
Corcoran	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kelly	Kingery	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda

Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Silvey	Smith 14	Smith 150	Spreng	Still
Storch	Stream	Sutherland	Talboy	Thomson
Tilley	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

NOES: 019

Biermann	Brown 73	Burnett	Casey	Curls
Frame	Grill	Harris	Hodges	Holsman
Hughes	Kander	Kirkton	Kuessner	Low
Scavuzzo	Shively	Skaggs	Todd	

PRESENT: 003

Colona	Swinger	Witte
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ABSENT WITH LEAVE: 006

El-Amin	Hoskins 80	Keeney	Stevenson	Vogt
Webb				

THIRD READING OF HOUSE BILL - APPROPRIATIONS

HCS HB 22, relating to appropriations, was taken up by Representative Icet.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dugger	Dusenberg
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Ruestman	Ruzicka	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Yates	Zerr	Mr Speaker		

NOES: 071

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Dougherty
El-Amin	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Meadows	Meiners	Morris
Nasheed	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Still
Storch	Swinger	Talboy	Todd	Walsh
Walton Gray	Webber	Wildberger	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 004

Funderburk	Spreng	Vogt	Webb
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On motion of Representative Icet, **HCS HB 22** was read the third time and passed by the following vote:

AYES: 117

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cox	Cunningham
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	El-Amin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guest	Hobbs
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Lair
Largent	Leara	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parson	Quinn	Riddle	Roorda
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoemehl	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webber	Weter	Wildberger
Wilson 119	Wilson 130	Wood	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 042

Brown 30	Brown 73	Burnett	Curls	Davis
Dethrow	Dugger	Dusenberg	Emery	Englund
Ervin	Frame	Grill	Guernsey	Harris
Hodges	Holsman	Hughes	Kander	Kraus
Kuessner	Lampe	LeBlanc	Low	Meiners
Molendorp	Parkinson	Pollock	Pratt	Rucker
Scavuzzo	Schoeller	Schupp	Self	Shively
Silvey	Skaggs	Spreng	Stevenson	Wells
Yates	Zimmerman			

PRESENT: 002

Swinger Witte

ABSENT WITH LEAVE: 002

Vogt Webb

Speaker Richard declared the bill passed.

Representative Icet requested a verification of the roll call on the motion to third read and pass **HCS HB 22**.

THIRD READING OF SENATE BILL

SCS SB 243, relating to lending institution services, was taken up by Representative Jones (89).

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

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

The Chair ruled the point of order well taken.

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

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

The Chair ruled the point of order well taken.

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

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

The Chair ruled the point of order well taken.

On motion of Representative Jones (89), **SCS SB 243** was truly agreed to and finally passed by the following vote:

AYES: 096

Allen	Bivins	Brandom	Brown 30	Brown 73
Brown 149	Bruns	Burlison	Calloway	Chappelle-Nadal
Colona	Cooper	Cox	Cunningham	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	Emery
Ervin	Faith	Fallert	Fisher 125	Flanigan
Flook	Franz	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hodges	Hoskins 80	Hoskins 121
Ice	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Kuessner	Lair	Largent
Leara	LeVota	Liese	Lipke	Loehner
McGhee	McNary	Molendorp	Munzlinger	Nance
Nasheed	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Schaaf
Scharnhorst	Schlottach	Schoeller	Self	Silvey
Smith 14	Smith 150	Stevenson	Stream	Sutherland
Swinger	Thomson	Tilley	Tracy	Viebrock
Wasson	Wells	Wildberger	Wilson 119	Wilson 130
Wood	Wright	Yaeger	Yates	Zerr
Mr Speaker				

NOES: 062

Atkins	Aull	Biermann	Bringer	Brown 50
Burnett	Carter	Casey	Corcoran	Curls
Davis	El-Amin	Englund	Fischer 107	Frame
Grill	Harris	Holsman	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Lampe	LeBlanc	Low	McClanahan
McDonald	McNeil	Meadows	Morris	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Sander	Sater	Scavuzzo	Schad
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Talboy	Todd
Wallace	Walsh	Walton Gray	Webber	Weter
Witte	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 005

Funderburk	Meiners	Ruzicka	Vogt	Webb
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Speaker Richard declared the bill passed.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolutions were referred to the Committee indicated:

HR 740 - Rules
HR 788 - Rules
HR 1094 - Rules
HR 1362 - Rules
HR 1388 - Rules

COMMITTEE REPORTS

Committee on Health Care Policy, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SS SCS SB 167**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Special Standing Committee on Workforce Development and Workplace Safety, Chairman Fisher (125) reporting:

Mr. Speaker: Your Special Standing Committee on Workforce Development and Workplace Safety, to which was referred **SCS SB 495**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 15**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 82**, entitled:

An act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for certain retirement benefits.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 154**, entitled:

An act to repeal section 210.565, RSMo, and to enact in lieu thereof two new sections relating to grandparents as preferential placement for children.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 6.

Senate Amendment No. 1

AMEND Senate Substitute for House Committee Substitute for House Bill No. 154, Page 3, Section 210.565, Line 16, by striking all of said line and inserting in lieu thereof the following:

"grandparent or grandparents should be considered for placement or joint placement."

Senate Amendment No. 2

AMEND Senate Substitute for House Committee Substitute for House Bill No. 154, Page 1, Section A, Line 3, by inserting in lieu thereof the following:

"167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the "Foster Care Education Bill of Rights".

2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:

(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;

(2) Assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;

(3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and

(4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes.

2. Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.

3. If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, RSMo, the school district of residence shall issue a diploma to the pupil.

4. School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.

5. School districts, subject to federal law, shall be authorized to permit access of pupil school records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

6. 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, 2009, shall be invalid and void."; and

Further amend said bill, Page 4, Section 210.565, Line 16, by inserting immediately after said line the following:

"210.1050. 1. For purposes of this section, for pupils in foster care or children placed for treatment in a licensed residential care facility by the department of social services, "full school day" shall mean six hours in which the child is under the guidance and direction of teachers in the educational process.

2. Each pupil in foster care or child placed for treatment in a licensed residential care facility by the department of social services shall be entitled to a full school day of education unless the school district determines that fewer hours are warranted.

3. The commissioner of education, or his or her designee, shall be an ombudsman to assist the family support team and the school district as they work together to meet the needs of children placed for treatment in a licensed residential care facility by the department of social services. The ombudsman shall have the final decision over discrepancies regarding school day length. A full school day of education shall be provided pending the ombudsman's final decision.

4. Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. The provisions of the Individuals with Disabilities Education Act shall apply and control in decisions regarding school day. Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and necessary free public education services."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for House Committee Substitute for House Bill No. 154, Page 1, Section Title, Line 3, by striking "grandparents as"; and

Further amend Line 4, by striking all of said line and inserting in lieu thereof the following:

"child programs administered by the department of social services."; and

Further amend said bill and page, Section A, Line 3 of said page, by inserting after all of said line the following:

"208.046. 1. The children's division shall promulgate rules to become effective no later than July 1, 2010, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, as follows:

(1) Child care recipients eligible under this chapter and the criteria set forth in 13 CSR 35-32.010, may pay a fee based on gross income and family size unit based on a child care sliding fee scale established by the children's division, which shall be subject to appropriations. However, a person receiving state-funded child care assistance under this chapter and whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the children's division until such person's income reaches forty-five percent above such annual appropriation level, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall be no longer eligible for child care subsidy benefits;

(2) The sliding scale fee may be waived for children with special needs as established by the division; and

(3) The maximum payment by the division shall be the applicable rate minus the applicable fee.

2. For purposes of this section, "annual appropriation level" shall mean the percentage of the federal poverty level for the applicable family size necessary to be eligible for the subsidy under this section as determined by annual appropriation.

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, 2009, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for House Committee Substitute for House Bill No. 154, Page 4, Section 210.565, Line 16, by inserting after all of said line the following:

"475.010. When used in this chapter, unless otherwise apparent from the context, the following terms mean:

(1) "Adult", a person who has reached the age of eighteen years;

(2) "Claims", liabilities of the protectee arising in contract, in tort or otherwise, before or after the appointment of a conservator, and liabilities of the estate which arise at or after the adjudication of disability or after the appointment of a conservator of the estate, including expenses of the adjudication and of administration. The term does not include demands or disputes regarding title of the protectee to specific assets alleged to be included in the estate;

(3) "Conservator", one appointed by a court to have the care and custody of the estate of a minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term "conservator", as used in this chapter, includes "limited conservator" unless otherwise specified or apparent from the context;

(4) **"Custodial parent", the parent of a minor who has been awarded sole or joint physical custody of such minor, or the parent of an incapacitated person who has been appointed as guardian of such person, by an order or judgment of a court of this state or of another state or territory of the United States, or if there is no such order or judgment, the parent with whom the minor or incapacitated person primarily resides;**

(5) "Disabled" or "disabled person", one who is:

(a) Unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources[.]; or

(b) The term "disabled" or "disabled person", as used in this chapter includes the terms "partially disabled" or "partially disabled person" unless otherwise specified or apparent from the context;

[(5)] (6) "Eligible person" or "qualified person", a natural person, social service agency, corporation or national or state banking organization qualified to act as guardian of the person or conservator of the estate pursuant to the provisions of section 475.055;

[(6)] (7) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person. A "limited guardian" is one whose duties or powers are limited. **A "standby guardian" is one approved by the court to temporarily assume the duties of guardian of a minor or of an incapacitated person under section 475.046.** The term "guardian", as used in this chapter, includes "limited guardian" **and "standby guardian"** unless otherwise specified or apparent from the context;

[(7)] (8) "Guardian ad litem", one appointed by a court, in which particular litigation is pending, to represent a minor, an incapacitated person, a disabled person, or an unborn person in that particular proceeding or as otherwise specified in this code;

[(8)] (9) "Habilitation", instruction, training, guidance or treatment designed to enable and encourage a mentally retarded or developmentally disabled person as defined in chapter 630, RSMo, to acquire and maintain those life skills needed to cope more effectively with the demands of his **or her** own person and of his **or her** environment;

[(9)] (10) "Incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he **or she** lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur. The term "incapacitated person" as used in this chapter includes the term "partially incapacitated person" unless otherwise specified or apparent from the context;

[(10)] (11) "Least restrictive environment", that there shall be imposed on the personal liberty of the ward only such restraint as is necessary to prevent [him] **the ward** from injuring himself **or herself** and others and to provide [him] **the ward** with such care, habilitation and treatment as are appropriate for [him] **the ward** considering his **or her** physical and mental condition and financial means;

[(11)] (12) "Manage financial resources", either those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, income or any assets, or those actions necessary to prevent waste, loss or dissipation of property, or those actions necessary to provide for the care and support of such person or anyone legally dependent upon [him] **such person** by a person of ordinary skills and intelligence commensurate with his **or her** training and education;

[(12)] (13) "Minor", any person who is under the age of eighteen years;

(14) **"Parent", the biological or adoptive mother or father of a child whose parental rights have not been terminated under chapter 211, RSMo, including:**

(a) **A person registered as the father of the child by reason of an unrevoked notice of intent to claim paternity under section 192.016, RSMo;**

(b) **A person who has acknowledged paternity of the child and has not rescinded that acknowledgment under section 193.215, RSMo; and**

(c) **A person presumed to be the natural father of the child under section 210.822, RSMo;**

[(13)] (15) "Partially disabled person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that [he] **such person** lacks capacity to manage, in part, his **or her** financial resources;

[(14)] (16) "Partially incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that [he] **such person** lacks capacity to meet, in part, essential requirements for food, clothing, shelter, safety, or other care without court-ordered assistance;

[(15)] (17) "Protectee", a person for whose estate a conservator or limited conservator has been appointed or with respect to whose estate a transaction has been authorized by the court under section 475.092 without appointment of a conservator or limited conservator;

(18) **"Seriously ill", a significant likelihood that a person will become incapacitated or die within twelve months;**

[(16)] (19) "Social service agency", a charitable organization organized and incorporated as a not-for-profit corporation under the laws of this state and which qualifies as an exempt organization within the meaning of section 501(c)(3), or any successor provision thereto of the federal Internal Revenue Code;

(20) **"Standby guardian", one who is authorized to have the temporary care and custody of the person of a minor or of an incapacitated person under the provisions of section 475.046;**

[(17)] (21) "Treatment", the prevention, amelioration or cure of a person's physical and mental illnesses or incapacities;

[(18)] (22) "Ward" [is], a minor or an incapacitated person for whom a guardian [or], limited guardian, **or standby guardian** has been appointed.

475.045. 1. Except in cases where they fail or refuse to give required security or are adjudged unfit for the duties of guardianship or conservatorship, or waive their rights to be appointed, the following persons, if otherwise qualified, shall be appointed as guardians or conservators of minors:

(1) The parent or parents of the minor, except as provided in section 475.030;

(2) If any minor over the age of fourteen years has no qualified parent living, a person nominated by the minor, unless the court finds appointment contrary to the best interests of the minor;

(3) Where both parents of a minor are dead, any person appointed **under this section or section 475.046** by the will of the last surviving parent, who has not been adjudged unfit or incompetent for the duties of guardian or conservator.

2. Unfitness of any of the persons mentioned in subsection 1 for the duties of guardianship or conservatorship may be adjudged by the court after due notice and hearing.

3. If no appointment is made under subsection 1 **of this section**, the court shall appoint as guardian or conservator of a minor the most suitable person who is willing to serve **and whose appointment serves the best interests of the child to a stable and permanent placement.**

475.046. 1. A custodial parent may designate a person to act as standby guardian of a minor or incapacitated person by a will that complies with the requirements of section 474.320, RSMo, or by a separate written instrument which is dated and is either duly executed and acknowledged by the custodial parent or is signed by the custodial parent in the presence of at least two disinterested witnesses and subscribed by the witnesses. If the custodial parent executes more than one document designating a standby guardian and there is a conflict between the documents as to the person designated, the document bearing the latest date shall control.

2. If a custodial parent who has designated a standby guardian is or becomes seriously ill, the custodial parent or the person designated as standby guardian may file a petition in the probate division of the circuit court of the county which would be of proper venue for the appointment of a guardian of the minor or incapacitated person seeking appointment of the designated person as standby guardian. A copy of the will or separate written instrument designating the standby guardian and a consent to act as standby guardian signed by the person designated shall be filed with the petition, which petition shall state:

(1) The name, age, domicile, actual place of residence, and mailing address of the minor or incapacitated person;

(2) The name and address of the custodial parent and of the designated standby guardian;

- (3) The name and address of each parent of the minor or incapacitated person and whether that parent is living or dead;
- (4) The name and address of the spouse, if applicable, and the names, ages, and addresses of all living children of the minor or incapacitated person;
- (5) If the person for whom appointment of a standby guardian is sought has been adjudicated incapacitated, the date of adjudication and the name and address of the court which entered the judgment; and
- (6) The reasons why the appointment of a standby guardian is sought.

Proceedings on the petition shall be conducted in the same manner as would be applicable in a case for appointment of a successor guardian under section 475.115.

3. The court shall determine appointment of a standby guardian in accordance with the best interests of the minor or incapacitated person after considering all relevant factors, including:

- (1) Whether there is a parent other than the custodial parent and, if so, whether the other parent is willing, able, and fit to assume the duties of a parent;
- (2) The suitability of a person nominated by the minor or incapacitated person if he or she is, at the time of hearing, able to communicate a reasonable choice; and
- (3) The desirability of providing arrangements for the care, custody, and control of the minor or incapacitated person which shall minimize stress and disruption and avoid his or her placement in foster or similar care pending appointment of a guardian if the custodial parent is adjudicated incapacitated or dies.

4. If it appears to the court that a standby guardian should be appointed for a minor or incapacitated person, the court may appoint a standby guardian.

5. The authority of a person to act as standby guardian for a minor or incapacitated person shall only take effect as follows:

- (1) If the person has previously been appointed by the court as standby guardian, upon the granting of letters of standby guardianship to the person previously appointed as provided in the order appointing the standby guardian; or
- (2) If the person has not previously been appointed by the court as standby guardian, either because a petition for appointment has not been filed or because a petition has been filed but the proceedings are still pending, upon the first to occur of the following:
 - (a) The consent of the custodial parent in a writing duly executed and acknowledged by the custodial parent;
 - (b) Entry of an order adjudicating the custodial parent to be incapacitated; or
 - (c) The death of the custodial parent.

The person shall, within ten days after he or she begins to act as standby guardian, notify the court in writing of that fact and of the reasons therefor. The court may grant letters of standby guardianship to the person or, if the court deems it advisable, conduct a hearing to determine the propriety of the person having begun, and continuing, to act as standby guardian and the propriety of issuing letters of standby guardianship to the person.

6. A person acting as standby guardian of a minor or incapacitated person shall, within sixty days after he or she begins to act, petition the court for appointment of the standby guardian or some other qualified person as guardian of the minor or incapacitated person. Proceedings on the petition shall be conducted in the same manner as would be applicable in a case for appointment of a successor guardian under section 475.115.

7. Nothing in this section shall be construed to:

- (1) Deprive a parent of his or her legal rights with respect to a minor or incapacitated person who is a child of that parent, including court ordered visitation with the child, nor to authorize a grant of authority to a standby guardian which would supersede any such rights; or
- (2) Relieve a parent of his or her legal obligations or duties to a minor or incapacitated person who is a child of that parent, including a duty to support the child in accordance with a court or administrative order.

8. Except to the extent determined by the court to be inconsistent with the provisions of this section or as expressly provided in this section, the laws applicable to guardianship proceedings shall apply to all proceedings under this section.

475.105. 1. When a duly appointed guardian or conservator has given bond, as required by law, and the bond has been approved, letters under the seal of the court shall be issued to [him] **the person appointed**. Such letters shall specify whether they are of guardianship [or], limited guardianship, **or standby guardianship** of the person, or conservatorship or limited conservatorship of the estate, or both, and the original or duly certified copies thereof shall be prima facie evidence of the facts therein stated.

2. Letters of guardianship and conservatorship for minors may be in the following form:

IN THE PROBATE DIVISION OF THE CIRCUIT COURT
OF COUNTY, MISSOURI
LETTERS OF **(STANDBY)** GUARDIANSHIP (AND
CONSERVATORSHIP) OF MINOR

Estate No.

On, was appointed and has qualified as **(standby)** guardian of the person
(and conservator of the estate) for the following minor(s):

- Born, 20.
- Born, 20.
- Born, 20.
- Born, 20.

By reason thereof, the above-named **(standby)** guardian (and conservator) is authorized and empowered to perform the duties of such **(standby)** guardian (and conservator) as provided by law under the supervision of the court having care and custody of the person (and of the estate) of the above-named minor(s).

IN TESTIMONY WHEREOF, the undersigned Clerk has signed these letters and affixed the seal of this court on

.
Clerk

Recorded on, in Book at Page

.
Clerk

3. Letters of guardianship and conservatorship for incapacitated and disabled persons may be in the following form:

IN THE PROBATE DIVISION OF THE CIRCUIT COURT
OF COUNTY, MISSOURI
LETTERS OF **(STANDBY)** GUARDIANSHIP OF INCAPACITATED
PERSON (AND CONSERVATORSHIP OF DISABLED PERSON)

Estate No.

On, was appointed and has qualified as **(standby)** guardian of the person (and conservator of the estate) for, an incapacitated (and disabled) person.

By reason thereof, the above-named **(standby)** guardian (and conservator) is authorized and empowered to perform the duties of such **(standby)** guardian (and conservator) as provided by law under the supervision of the court having care and custody of the person (and estate) of the above-named incapacitated (and disabled) person.

IN TESTIMONY WHEREOF, the undersigned Clerk has signed these letters and affixed the seal of this court on , 20

.
Clerk"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for House Committee Substitute for House Bill No. 154, Page 2, Section 210.305, Line 17 of said page, by striking the word "three" and inserting in lieu thereof the following:

"twenty-four"; and

Further amend Line 19 of said page, by striking the word "three-hour" and inserting in lieu thereof the following:

"twenty-four hour"; and

Further amend said section, Line 21 of said page, by striking the word "three-hour" and inserting in lieu thereof the following:

"twenty-four hour".

Senate Amendment No. 6

AMEND Senate Substitute for House Committee Substitute for House Bill No. 154, Page 4, Section 210.565, Line 16, by inserting after all of said line the following:

"7. The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered as a factor in placement decisions and recommendations, but shall not supersede the preference for relative placement created by this section or be contrary to the child's best interests.

453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. **In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.**

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; and

(2) Only the man who:

(a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1 of section 210.822, RSMo; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100, RSMo; or

(c) Filed with the putative father registry pursuant to section 192.016, RSMo, a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; or

(3) The child's current adoptive parents or other legally recognized mother and father.

Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after the commencement of the adoption proceedings, and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth parent shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

6. The written consents shall be reviewed and, if found to be in compliance with this section, approved by the court within three business days of such consents being presented to the court. Upon review, in lieu of approving the

consent within three business days, the court may set a date for a prompt evidentiary hearing upon notice to the parties. Failure to review and approve the written consent within three business days shall not void the consent, but a party may seek a writ of mandamus from the appropriate court, unless an evidentiary hearing has been set by the court pursuant to this subsection.

7. The written consent required in subsection 3 of this section may be withdrawn anytime until it has been reviewed and accepted by a judge.

8. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 9 of this section, such written consent shall be deemed valid.

9. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

10. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

11. Where the person sought to be adopted is eighteen years of age or older, his written consent alone to his adoption shall be sufficient.

12. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

13. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 12 of this section to be paid by the prospective adoptive parents or the child-placing agency.";

and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 246**, entitled:

An act to repeal sections 444.765, 444.766, 444.770, and 444.774, RSMo, and to enact in lieu thereof four new sections relating to surface mining and gravel excavation.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Committee Substitute for House Bill No. 246, Page 5, Section 444.770, Lines 8 - 10, by striking all of said lines and inserting in lieu thereof the following:

“property not used primarily for gravel mining shall be exempt from obtaining a permit as required in”; and

Further amend Line 12, by striking the words “or political subdivision's”; and

Further amend said bill and section, Page 6, Line 26, by striking the word “three” and inserting in lieu thereof the following: “two”; and

Further amend Line 28, by striking the word “three” and inserting in lieu thereof the following: “two”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 376**, entitled:

An act to repeal sections 48.030, 49.310, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 59.319, 65.610, 67.110, 67.280, 67.402, 67.410, 67.1000, 67.1360, 67.1361, 67.2000, 71.285, 94.400, 94.902, 137.073, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 141.160, 165.071, 204.569, 221.105, 231.444, 247.031, 650.396, and 650.399, RSMo, and to enact in lieu thereof seventy-one new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain sections.

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. 7, Senate Amendment No. 1 to Senate Amendment No. 8, Senate Amendment No. 8, as amended, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 16, Senate Amendment No. 17 and Senate Amendment No. 18.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 73, Section 94.1011, Line 1 of said page, by inserting immediately after said line the following:

"105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) "Governing body", the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) "Political subdivision", any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails

to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed five hundred dollars per day."; and

Further amend said bill, Page 132, Section 233.104, Line 7 of said page, by inserting immediately after said line the following:

"238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(3) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services and estimated interest charges.

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed

project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

(d) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

238.212. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A
POPULAR VOTE THE CREATION AND
FUNDING OF A TRANSPORTATION
DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of "..... Transportation Development District" be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of County, located at, Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the transportation development district and requesting a declaratory judgment, as required by law, no later than the day of, 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court. Clerk of the Circuit Court of County

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. **The circuit court shall order at least one public hearing on the creation and funding of the proposed district, if the petition for creating such district was filed by the owners of record of all real property within the proposed district.** If a public hearing

is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales

tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax imposed pursuant to this section **and the taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue.**

4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes [collected] **received** by the transportation development district shall be deposited by the [transportation development district] **director of revenue** in a special fund to be expended for the purposes authorized in this section. The [transportation development district] **director of revenue** shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are

in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 92, Section 137.1040, Line 27, by inserting after all of said line the following:

"138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.

(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

[3.] 4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] 5. Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] 6. All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 65, Section 94.400, Line 21 of said page, by inserting after all of said line the following:

"94.900. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first

classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants, **or any city of the fourth classification with more than two thousand six hundred but fewer than two thousand seven hundred inhabitants and located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants** is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of improving the public safety of the city?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue

may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 17, Section 59.319, Line 17 of said page, by inserting immediately after said line the following:

"64.170. 1. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first and second classification, as provided by law, is for this purpose empowered, subject to the provisions of subsections 2 and 3 of this section, to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation, plumbing or drain laying therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

2. Any county which has not adopted a building code prior to August 28, 2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to such sections unless the authority is approved by voters, subject to the provisions of subsection 3 of this section. The ballot of submission for authority pursuant to this subsection shall be in substantially the following form:

"Shall (insert name of county) have authority to create, adopt and impose a county building code?"

YES NO

3. The proposal of the authority to adopt a building code shall be voted on only by voters in the area affected by the proposed code, such that a code affecting a county shall not be voted upon by citizens of any incorporated territory.

4. For the purpose of promoting the public safety, health and general welfare, to protect life and property, and to prevent the occupancy of fire hazardous buildings, the county commission of any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, as provided by law, is for this purpose empowered to adopt, by order or ordinance, regulations to control the minimum standards for occupancy of any residential unit intended for rent or lease, and to develop a program for licensing and inspecting the units for which the county may recover costs to administer such a program by establishing reasonable fees."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 15, Section 55.190, Line 5 of said page, by inserting immediately after said line the following:

"56.700. 1. The prosecuting attorney in each county of the second, third or fourth class which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, may employ an assistant prosecuting attorney to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The assistant prosecuting attorney authorized by this subsection shall be in addition to any other assistant prosecuting attorney authorized by law. The assistant prosecuting attorney employed under this subsection shall

receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

2. The county counselor or circuit attorney in each county of the first class with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ an assistant county counselor or circuit attorney to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The assistant authorized by this subsection shall be in addition to any other assistants authorized by law. The assistant county counselor or circuit attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

3. The prosecuting attorney in each county of the second, third or fourth class which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county, shall be paid out of the state treasury from funds appropriated for that purpose.

4. The county counselor or circuit attorney in each county of the first class with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county or city not within a county, shall be paid out of the state treasury from funds appropriated for that purpose.

5. In each county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, the county counselor shall receive the sum of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose for the duties relating to mental health and mental health facilities and, in addition, shall receive an additional sum not to exceed a total of fifteen thousand dollars annually from funds appropriated for that purpose for investigative and clerical personnel to assist in carrying out the duties of the office of the county counselor relating to mental health and mental health facilities. Such sums shall be in the form of a reimbursement to county general revenue funds."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 4, Section 49.310, Line 28 of said page, by inserting after all of said line the following:

"49.705. In any county of the third classification without a township form of government and with more than nine thousand six hundred fifty but fewer than nine thousand seven hundred fifty inhabitants, any person or entity, holding an outdoor concert, shall be required to receive approval from the county commission prior to holding such outdoor concert. Any person or entity that violates this section by holding an outdoor concert without prior approval from the county commission shall be assessed a civil fine of up to five thousand dollars. Such violation shall be prosecuted by the prosecuting attorney in the circuit court of the county where the violation occurred."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 2, Section A, Line 8, by inserting immediately after said line the following:

"48.020. 1. All counties of this state are hereby classified, for the purpose of establishing organization and powers in accordance with the provisions of section 8, article VI, Constitution of Missouri, into four classifications determined as follows:

Classification 1. All counties having an assessed valuation of [six] **seven** hundred **fifty** million dollars and over shall automatically be in the first classification after that county has maintained such valuation for the time period required by section 48.030; however, any county of the second classification which, on August 13, 1988, has had an assessed valuation of at least four hundred million dollars for at least one year may, by resolution of the governing body of the county, elect to be classified as a county of the first classification after it has maintained such valuation for the period of time required by the provisions of section 48.030.

Classification 2. All counties having an assessed valuation of [four] **six** hundred [fifty] million dollars and less than the assessed valuation necessary for that county to be in the first classification shall automatically be in the second classification after that county has maintained such valuation for the time period required by section 48.030.

Classification 3. All counties having an assessed valuation of less than the assessed valuation necessary for that county to be in the second classification shall automatically be in the third classification.

Classification 4. All counties which have attained the second classification prior to August 13, 1988, and which would otherwise return to the third classification after August 13, 1988, because of changes in assessed valuation shall remain a county in the second classification and shall operate under the laws of this state applying to the second classification.

2. The required assessed valuation for each classification under subsection 1 of this section shall be increased by an amount equal to any percentage increase in the consumer price index."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1
to
Senate Amendment No. 8*

AMEND Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 1, Section 59.319, Line 16, by striking the words "three years" and inserting in lieu thereof the following:

"one year".

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 16, Section 59.319, Line 24 - 28, by striking all of said lines and inserting in lieu thereof the following:

"instrument. Two dollars of the additional fee collected under this subsection shall be credited to the Missouri housing trust fund and one dollar shall be deposited in the state general revenue fund and credited to the account used by the secretary of state for additional preservation of local records."; and

Further amend said section, Page 17, Lines 1 - 6, by striking all of said lines; and

Further amend said page, Lines 7 - 9, by striking said lines and inserting in lieu thereof the following:

"(2) The one dollar of the additional three dollars authorized under this subsection which shall be deposited in the state general revenue fund and credited to the account used by the secretary of state for additional preservation of local records shall automatically sunset three years after the effective date of this subsection.".

Senate Amendment No. 9

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 62, Section 71.285, Line 4, by inserting after all of said line the following:

"77.110. The council shall publish a full and detailed statement of the receipts and expenditures and indebtedness of the city at the end of each fiscal year and six months after the end of each fiscal year in a newspaper of general circulation in the city. Each such statement shall be for the six-month period preceding the date of the statement. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the city web site and posting the statement for a period of at least six months on the web site. In addition, the city shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the city may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the city.**"; and

Further amend said bill, Page 62, Section 77.300, Line 13 of said page, by inserting after all of said line the following:

"79.160. The board of aldermen shall semiannually each year, at times to be set by the board of aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the city for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the city. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the city web site and posting the statement for a period of at least six months on the web site. In addition, the city shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the city may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the city.**

80.120. The chairman of the board shall cause to be printed and published the bylaws and ordinances of the board, for the information of the inhabitants, and cause the same to be carried into effect. He shall remain in office for the term for which he is appointed or elected as a trustee; but in case of his absence at any meeting of the board, the board may appoint a chairman pro tempore, and in case he shall die, resign, be removed from office or remove from the town, the board of trustees shall appoint one of their number chairman, who shall hold the office for the unexpired term. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the village web site and posting the statement for a period of at least six months on the web site. In addition, the village shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the village may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the village.**"; and

Further amend said bill, Page 73, Section 94.1011, Line 1 of said page, by inserting after all of said line the following:

"115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493, RSMo, which are

published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493, RSMo, is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political subdivision or special district calling an election shall, before the sixteenth Tuesday, or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city, prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district **or by publishing such notification on the web site of the political subdivision or special district, if one exists, and printing the information in the newsletter sent to the residents of the political subdivision or special district, if one exists.**

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 136, Section 311.489, Line 20 of said page, by striking the following the following:

"approval by the city" and inserting in lieu thereof the following:

"obtaining the approvals as described in this section"; and

Further amend Line 25 of said page, by inserting after "located in" the following:

"a community improvement district in"; and

Further amend said bill and section, Page 137, Line 7 of said page, by inserting after "proposed" the following:

"festival"; and

Further amend Line 10 of said page, by striking the following:

"containing basic information"; and

Further amend Line 21 of said page, by inserting after "festivals" the following:

"which shall be provided at the sole expense of the promotional association"; and

Further amend Line 28 of said page, by inserting after "shall" the following:

"notify all property owners in the proposed district and within five hundred feet of its boundaries. The city shall hold a"; and

Further amend said bill and section, Page 138, Line 1 of said page, by inserting after "hearing" the following:

"at least thirty days after providing such notice"; and

Further amend Line 2 of said page, by striking the following:

"If the plan is approved," and inserting in lieu thereof the following:

"The city shall not approve any plan unless the promotional association also has obtained the written approval of at least fifty percent of the property owners within the district or within one hundred eighty-five feet of its borders. If the consents are obtained and the city approves the plan,"; and

Further amend Line 5 of said page, by inserting after "1:00 a.m." the following:

"In addition, for no more than ten twenty-four hour periods in a year,"; and

Further amend Line 24 of said page, by inserting after "event" the following: **"that serves liquor"**.

Senate Amendment No. 11

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 144, Section 1, Line 8, by deleting "496.050, RSMo" and inserting in lieu thereof "493.050, RSMo".

Senate Amendment No. 12

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 101, Section 140.150, Lines 21 - 26 of said page, by striking all of said lines and inserting in lieu thereof the following:

"by first class mail. A second notice shall be sent by certified mail only if the assessed property valuation is one thousand dollars or greater. If the assessed valuation of the property is less than one thousand dollars, only the first notice shall be required. The postage for the mailing of the notices shall be paid"; and

Further amend said bill, Page 103, Section 140.160, Line 15 of said page, by inserting after all of said line the following:

"140.170. 1. Except for lands described in subsection 7 of this section, the county collector shall cause a copy of the list of delinquent lands and lots to be printed in some newspaper of general circulation published in the county, for three consecutive weeks, one insertion weekly, before the sale, the last insertion to be at least fifteen days prior to the fourth Monday in August.

2. In addition to the names of all record owners or the names of all owners appearing on the land tax book it is only necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated.

3. To the list shall be attached and in like manner printed and published a notice of said lands and lots stating that said land and lots will be sold at public auction to discharge the taxes, penalty, interest, and costs due thereon at the time of sale in or adjacent to the courthouse of such county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day and continuing from day to day thereafter until all are offered.

4. The county collector, on or before the day of sale, shall insert at the foot of the list on his record a copy of the notice and certify on his record immediately following the notice the name of the newspaper of the county in which the notice was printed and published and the dates of insertions thereof in the newspaper.

5. The expense of such printing shall be paid out of the county treasury and shall not exceed the rate provided for in chapter 493, RSMo, relating to legal publications, notices and advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the costs of the sale of any land or lot contained in the list.

6. The county collector shall cause the affidavit of the printer, editor or publisher of the newspaper in which the list of delinquent lands and notice of sale was published, as provided by section 493.060, RSMo, with the list and notice attached, to be recorded in the office of the recorder of deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

7. The county collector may have a separate list of such lands, without legal descriptions or the names of the record owners, printed in a newspaper of general circulation published in such county for three consecutive weeks before the sale of such lands for a parcel or lot of land that:

(1) Has an assessed value of [five hundred] **one thousand** dollars or less and has been advertised previously;
or

(2) Is a lot in a development of twenty or more lots and such lot has an assessed value of [five hundred] **one thousand** dollars or less.

The notice shall state that legal descriptions and the names of the record owners of such lands shall be posted at any county courthouse within the county and the office of the county collector."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 13

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 143, Section 650.399, Line 27, by inserting after all of said line the following:

"10. There is hereby specifically exempted from the sales tax imposed under this section all sales of food, as the term "food" is defined in section 144.014, RSMo."

Senate Amendment No. 14

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 34, Section 67.1000, Line 28, by inserting after all of said line the following:

"67.1177. 1. The board, by a majority vote, may submit to the residents of such district a tax of not less than two percent and not more than six percent on the amount of sales or charges for all sleeping rooms offered to the public and paid by the transient guests of hotels, motels and resorts situated within the district. Upon the written request of the board to the election officials of the county in which the district is situated, such election officials shall submit a proposition to the residents of such district at a countywide or statewide primary or general election, or at a special election called for that purpose. Such election officials shall give legal notice as provided in chapter 115, RSMo. As used in this section, the term "hotels, motels and resorts" includes any condominium offered to the public which is rented to a person or entity for a period of less than thirty-one days, any privately owned campground offered to the public which rents space to persons or entities for a period of less than thirty-one days, and also includes any rental of a houseboat originating from a point within the district and which is offered to the public. The term "hotels, motels and resorts" shall not include any facilities operated by a recognized church and its affiliates for the purpose of providing religious education and recreation to the church's members. As used in this section, the term "transient guest" means a person who occupies a room or rooms in a hotel, motel or resort for thirty-one days or less during any calendar quarter.

2. Such proposition shall be submitted to the voters of the business district in substantially the following form at such election:

Shall a lodging tax of percent on the amount of sales or charges for all lodging paid by the transient guests of hotels, motels and resorts be levied in the lake area business district of the county of to provide funds for the promotion of tourism in the district?

YES NO

3. In the event that a majority of the voters voting on such proposition in such district approve such proposition, then such tax shall be in full force and effect as of the first day of the calendar quarter following the calendar quarter in which the election was held. The results of an election held under this section shall be certified by the election officials of the county to the board not more than thirty days after the day on which such election was held. The district shall be liable for its share of the costs of the election pursuant to section 115.065, RSMo.

4. In the event a tax is imposed under this section, such tax shall be in addition to any countywide gross receipts tax on hotels, motels or resorts in effect at the time of the election or imposed after the date of the election. If a tax is imposed under the provisions of this section, the county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.

5. The revenues received from the tax authorized in this section shall be used by the advisory board for advertising and promotion of tourism. Such advertising and promotional activities shall be developed into a comprehensive marketing plan, so as to meet the needs of all sizes and types of businesses within the lodging industry. The board members of each lodging category, as described in subsection 1 of section 67.1175, shall have sole authority for the expenditure of funds collected from that category, and tourism-related projects that may be identified as beneficial to any of the three lodging categories established in subsection 1 of section 67.1175 shall be eligible for funding, based on the proportionate share of revenues collected from that category. This shall include, but not be limited to, attending sports and travel shows, printing a vacation guide, soliciting convention business, constructing or purchasing convention facilities and visitor centers, and securing commercial air service into the area, which may include the subsidizing of airline seats. Moneys may also be expended by the board to contract with other entities to assist in bringing tourists to the district.

6. (1) On and after the effective date of any tax authorized under the provisions of this section, the advisory board shall enter into an agreement with the county collector of the county where the district is situated for the purpose of collecting the tax. The tax to be collected by the county collector shall be remitted to the advisory board of the district not later than thirty days following the end of any calendar quarter. The county commission shall adopt rules and regulations for the collection and administration of the tax. The county collector shall retain on behalf of the county two percent for cost of collection.

(2) On or after August 28, 2009, the board shall enter into an agreement with the director of the department of revenue for the purpose of collecting any tax authorized under this section that accrues on or after August 28, 2009, or any later date specified in the agreement. The director shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax shall be collected and reported upon such forms and under such administrative rules as may be prescribed by the director, and the director shall retain not less than one percent nor more than three percent for the cost of collection. Any agreement entered into under this subdivision shall supersede any prior agreement entered into under subdivision (1) of this subsection."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 15

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 9, Section 52.290, Line 26 of said page, by inserting immediately after "2008," the following:

"any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants,"; and

Further amend said bill and section, Page 10, Line 14 of said page, by inserting immediately after "3." the following:

"In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general revenue fund a fee for the collection of delinquent and back taxes of:

(1) Two percent on all sums collected, in the first year of such delinquency, from the party paying the tax;

(2) Four percent on all sums collected, in the second year of such delinquency, from the party paying the tax; and

(3) Seven percent on all sums collected, in the third year of such delinquency, from the party paying the tax.

4."; and

Further amend said bill, Page 118, Section 141.160, Line 3, by striking the word "six hundred thousand" and inserting in lieu thereof the following: **"one million"**.

Senate Amendment No. 16

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Pages 23 - 26, Section 67.402, by striking all of said section and inserting in lieu thereof the following:

"67.402. 1. The governing body of the following counties may enact nuisance abatement ordinances as provided in this section:

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] fewer than one hundred thirty-five thousand five hundred inhabitants[.];

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] fewer than seventy-one thousand four hundred inhabitants[, and];

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] fewer than one hundred ninety-nine thousand two hundred inhabitants;

(4) Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;

(5) Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants.

2. The governing body of any county described in subsection 1 of this section may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, tires, storm water runoff conditions resulting in damage to buildings or infrastructure, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

[2.] 3. Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all

parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

[3.] 4. Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid."

Senate Amendment No. 17

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 17, Section 59.319, Line 17 of said page, by inserting after all of said line the following:

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

(1) **"Cadastral parcel mapping", an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats.**

(2) **"Digital cadastral parcel mapping", encompasses the concepts of automated mapping, graphic display and output, data analysis, and data base management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;**

(3) **"USPLSS" or "United States public land survey system", a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of natural resources;**

(4) **"Tax map", a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.**

2. The office of the land surveyor established within the department of natural resources shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. 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, 2009, shall be invalid and void.

3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation."; and

Further amend said bill, Page 139, Section 311.489, Line 13 of said page, by inserting after all of said line the following:

"327.272. 1. A professional land surveyor shall include any person who practices in Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination with any other word or words

including, but not limited to "registered", "professional" or "land" indicating or implying that the person is, or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of **land surveying**, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The **determination, location, relocation, establishment, reestablishment, layout, or retracing** of land boundaries **and positions of the United States Public Land Survey System;**

(2) Monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts;

(4) **Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to (3) of this subsection;**

(5) Consultation, investigation, evaluation, planning, design and execution of surveys;

[(5)] (6) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

[(6)] (7) Monumentation of geodetic control and the determination of their horizontal and vertical positions;

[(7)] (8) Establishment of state plane coordinates;

[(8)] (9) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

[(9)] (10) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

[(10)] (11) Layout of proposed improvements;

[(11)] (12) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to [(11)] (12) of subsection 1 of this section are exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term "real property rights" means a recordable interest in real estate as it affects the location of land boundary lines.

3. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering as provided in sections 327.091 and 327.181.

4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185, RSMo."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 18

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 75, Section 137.073, Line 17 - 18, by striking all of the underlined words on said lines; and

Further amend Lines 20 - 28, by striking all of the underlined words on said lines; and

Further amend Page 76, Lines 1 - 2, by striking all of said lines and inserting in lieu thereof the following:

"For the 2009 tax year, any"; and

Further amend Lines 9 - 24, by striking all of the underlined words and inserting in lieu thereof the following:

"approved tax rate."; and

Further amend said section, Page 90, Line 13, by inserting immediately after said line the following:

"11. The county collector shall include in each taxpayer's tax bill the current tax rate and the most recent voter-approved tax rate for each purpose for each political subdivision located at least partially within the county levying a tax on property. In the event the stated current tax rate is greater than the most recent voter-approved tax rate for such purpose, the collector shall, in addition to requirements provided in this subsection,

conspicuously note such fact in the tax bill. All political subdivisions shall provide information to the county collector on or before October 15th of each tax year."

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HB 395, as amended**: Senators Stouffer, Schmitt, Champion, Barnitz and Shoemyer.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 427, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 683**, entitled:

An act to repeal sections 21.795, 32.063, 136.055, 142.800, 144.060, 144.070, 226.030, 260.750, 301.010, 301.032, 301.131, 301.140, 301.150, 301.280, 301.290, 301.310, 301.420, 301.440, 301.562, 301.716, 302.302, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 387.040, 476.385, 556.021, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof seventy new sections relating to transportation, with penalty provisions and an emergency clause for certain sections.

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

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 137, Section 307.198, Line 6 of said page, by inserting immediately after said line the following:

"307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) [New] Motor vehicles [which have not been previously titled and registered], for the [two-year] **five-year** period following their model year of manufacture, **excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380**;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred.

Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 113, Section 302.775, Line 27 of said page, by inserting after all of said line the following:

"304.034. 1. Notwithstanding any other law to the contrary, the governing body of any municipality may by resolution or ordinance allow persons to operate golf carts or motorized wheelchairs upon any street or highway under the governing body's jurisdiction. A golf cart or motorized wheelchair shall not be operated at any time on any state or federal highway, but may be operated upon such highway in order to cross a portion of the state highway system which intersects a municipal street. No golf cart or motorized wheelchair shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five miles per hour.

2. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to the registration provisions of chapter 301, RSMo.

3. As used in this section, a "golf cart" means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 27, Section 142.800, Line 6 of said page, by inserting immediately after said line the following:

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

(1) "Processing", any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) "Recovered materials", those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied,

assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085, RSMo, and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030.

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, RSMo, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, RSMo, and the local sales tax law as defined in section 32.085, RSMo, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669, RSMo."; and

Further amend said bill, Page 42, Section 227.410, Line 1 of said page, by inserting after all of said line the following:

"227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the "Missouri Public-Private Partnerships Transportation Act".

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

- (1) "Commission", the Missouri highways and transportation commission;
- (2) "Comprehensive agreement", the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;
- (3) "Department", the Missouri department of transportation;
- (4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease, design, or construct;
- (5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;
- (6) "Interim agreement", a preliminary binding written agreement between a private partner and the commission that provides for completion of studies and any other activities to advance the financing, development, and/or operation of the project required by section 227.618;
- (7) "Material default", any uncured default by a private partner in the performance of its duties that jeopardizes adequate service to the public from the project as determined by the commission;
- (8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or collect user fees;
- (9) "Private partner", any natural person, corporation, partnership, limited liability company, joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;
- (10) "Project", [a bridge to be owned by the commission and the Illinois department of transportation or any other suitable public body of the state of Illinois, which is located across the boundaries of the state of Illinois and the state of Missouri in a city not within a county to be financed, developed, and/or operated under agreement between the commission, a private partner, the Illinois department of transportation, and, if appropriate, any other suitable public body of the state of Illinois] **includes any pipeline, ferry, river port, airport, railroad, light rail or other mass transit**

facility, to be financed, developed, and/or operated under agreement between the commission and a private partner;

(11) "Public use", a finding by the commission that the project to be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as a necessary addition to the state highway system **or state transportation system;**

(12) "Revenues", include but are not limited to the following which arise out of or in connection with the financing, development, and/or operation of the project:

- (a) Income;
- (b) Earnings;
- (c) Proceeds;
- (d) User fees;
- (e) Lease payments;
- (f) Allocations;
- (g) Federal, state, and local moneys; or
- (h) Private sector moneys, grants, bond proceeds, and/or equity investments;

(13) "State", the state of Missouri;

(14) "State highway system", the state system of highways and bridges planned, located, relocated, established, acquired, constructed, and maintained by the commission under section 30(b), article IV, Constitution of Missouri;

(15) **"State transportation system", the state system of nonhighway transportation programs, including, but not limited to aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight and intermodal connections;**

(16) "User fees", tolls, fees, or other charges authorized to be imposed by the commission and collected by the private partner for the use of all or a portion of a project under a comprehensive agreement.

227.615. The commission may by commission minute approve the project if the commission determines the project will improve and is a needed addition to the state highway system **or the state transportation system.**

227.630. The private partner shall have the following powers:

(1) To contract with a federal agency, a state or its agencies and political subdivisions, the commission, a local or regional transportation authority, a corporation, a partnership, or any person to finance, develop, and/or operate the project;

(2) To lease or acquire any right to use or finance, develop, and/or operate the project with the length of any term to be established in the comprehensive agreement;

(3) **Upon completion of the project**, to collect user fees in connection with the use of the project by the traveling public **or the direct beneficiaries of the project.** The collection and enforcement of such user fees shall be consistent with sections 227.660 and 227.666;

(4) To borrow money for project purposes at such rates or interest as the private partner may determine; and

(5) Any other powers delegated to such private partner in the comprehensive agreement with the commission

227.646. Any revenues received under sections 227.600 to 227.669 shall be exempt from any tax on income imposed by any law of this state."; and

Further amend the title and enacting clause accordingly

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 13, Section 136.055, Lines 22 - 25, by striking all of said lines and inserting in lieu thereof the following:

"under this section through a competitive bidding process. The".

Senate Committee Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 683, Page 160, Section B, Line 25, by inserting after all of said line the following:

"Section C. The repeal and reenactment of section 307.350 of this act shall become effective on January 1, 2010.

Section D. The enactment of sections 302.182 and 302.184 of this act shall become effective on July 1, 2010."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 716**, entitled:

An act to amend chapter 191, RSMo, by adding thereto three new sections relating to newborn screenings.

In which the concurrence of the House is respectfully requested.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 265**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 265, 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. 265;
2. That the House recede from its position on House Committee Substitute for House Bill No. 265;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 265, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Ward Franz
/s/ James Viebrock
/s/ Barney Fisher
/s/ Patricia Yaeger
/s/ Sue Schoemehl

FOR THE SENATE:

/s/ Jason Crowell
/s/ Robert Mayer
/s/ Jane Cunningham
/s/ Rita Heard Days
/s/ Timothy P. Green

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Tuesday, May 5, 2009.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Rachel Bringer, District 6, hereby state and affirm that my vote as recorded on Page 1412 of the Journal of the House for Thursday, April 30, 2009 that House Committee Substitute for House Bill No. 22 be third read and passed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted yes. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of May 2009.

/s/ Rachel Bringer
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Cole)

Subscribed and sworn to before me this 4th day of May in the year 2009.

/s/ Patricia G. Pleus
Notary Public

I, State Representative Jason Brown, District 30, hereby state and affirm that my vote as recorded on Page 1411 of the Journal of the House for Thursday, April 30, 2009 that House Committee Substitute for House Bill No. 21 be third read and passed was incorrectly recorded as yes. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of May 2009.

/s/ Jason Brown
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Cole)

Subscribed and sworn to before me this 4th day of May in the year 2009.

/s/ Patricia W. Parris
Notary Public

I, State Representative Chris Carter, District 61, hereby state and affirm that my vote as recorded on Page 1411 of the Journal of the House for Thursday, April 30, 2009 that House Committee Substitute for House Bill No. 22 be third read and passed was incorrectly recorded as no. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted yes. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of May 2009.

/s/ Chris Carter
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Cole)

Subscribed and sworn to before me this 4th day of May in the year 2009.

/s/ Patricia G. Pleus
Notary Public

I, State Representative Talibdin "TD" El-Amin, District 57, hereby state and affirm that my vote as recorded on Page 1412 of the Journal of the House for Thursday, April 30, 2009 that House Committee Substitute for House Bill No. 22 be third read and passed was incorrectly recorded as no. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted yes. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of May 2009.

/s/ Talibdin "TD" El-Amin
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Cole)

Subscribed and sworn to before me this 4th day of May in the year 2009.

/s/ Patricia G. Pleus
Notary Public

I, State Representative James Morris, District 58, hereby state and affirm that my vote as recorded on Page 1412 of the Journal of the House for Thursday, April 30, 2009 that House Committee Substitute for House Bill No. 22 be third read and passed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted yes. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of May 2009.

/s/ James Morris
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Cole)

Subscribed and sworn to before me 4th day of May in the year 2009.

/s/ Patricia G. Pleus
Notary Public

I, State Representative Sharon Pace, District 70, hereby state and affirm that my vote as recorded on Page 1412 of the Journal of the House for Thursday, April 30, 2009 that House Committee Substitute for House Bill No. 22 be third read and passed was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted yes. 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 4th day of May 2009.

/s/ Sharon Pace
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Cole)

Subscribed and sworn to before me this 4th day of May in the year 2009.

/s/ Patricia W. Parris
Notary Public

I, State Representative Jeff Roorda, District 102, hereby state and affirm that my vote as recorded on Page 1428 of the Journal of the House for Thursday, April 30, 2009 that House Committee Substitute for Senate Bill No. 215, as amended, be read the third time and passed was incorrectly recorded as yes. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of May 2009.

/s/ Jeff Roorda
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Cole)

Subscribed and sworn to before me this 4th day of May in the year 2009.

/s/ Patricia G. Pleus
Notary Public

I, State Representative Brian Yates, District 56, hereby state and affirm that my vote as recorded on Page 1431 of the Journal of the House for Thursday, April 30, 2009 that House Amendment No. 1 to House Committee Substitute for Senate Bill No. 235 be adopted was incorrectly recorded as absent with leave. Pursuant to House Rule 89, 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 vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 4th day of May 2009.

/s/ Brian Yates
State Representative

State of Missouri)
) ss.
Signed in County of Cole)
Notary Commissioned in County of Cole)

Subscribed and sworn to before me this 4th day of May in the year 2009.

/s/ Patricia G. Pleus
Notary Public

COMMITTEE MEETINGS

CONFERENCE COMMITTEE - APPROPRIATIONS
Tuesday, May 5, 2009, 9:15 p.m. Third floor Legislative Library.
Executive session may follow.
Public hearing to be held on: SCS HCS HB 11

CONFERENCE COMMITTEE NOTICE
Tuesday, May 5, 2009, 9:00 a.m. Bingham Conference Room.
Public hearing to be held on: HCS SS SB 307

CONFERENCE COMMITTEE NOTICE
Wednesday, May 6, 2009, 9:00 a.m. Bingham Conference Room.
Public hearing to be held on: SB 513

CORRECTIONS AND PUBLIC INSTITUTIONS
Wednesday, May 6, 2009, 8:00 a.m. Hearing Room 1.
Executive session may follow.
Public hearing to be held on: HB 1146

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 6, 2009, 8:00 a.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 1102, SCS SB 117

FISCAL REVIEW

Thursday, May 7, 2009, 8:30 a.m. Hearing Room 1.

All bills referred to committee.

Executive session may follow.

INSURANCE POLICY

Tuesday, May 5, 2009, Hearing Room 7 upon morning recess.

Executive session will follow.

Public hearing to be held on: SCS SBs 335 & 16

RULES - PURSUANT TO RULE 25(32)(f)

Tuesday, May 5, 2009, Hearing Room 5 upon evening adjournment.

Any bills referred to the Rules - Pursuant to Rule 25(32)(f).

Possible Executive session.

SPECIAL STANDING COMMITTEE ON CHILDREN AND FAMILIES

Tuesday, May 5, 2009, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HCR 53

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, May 5, 2009, Hearing Room 4 upon morning recess.

Executive session may follow.

Public hearing to be held on: SS#2 SCS SB 363

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, May 5, 2009, Hearing Room 5 upon morning recess.

Executive session may follow. AMENDED

Public hearings to be held on: HB 519, SCS SB 197

TRANSPORTATION

Tuesday, May 5, 2009, House Chamber north gallery 12:00 p.m. or upon morning recess.

Executive session including but not limited to: SB 31.

HOUSE CALENDAR

SIXTY-SEVENTH DAY, TUESDAY, MAY 5, 2009

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 16 - Davis
- 2 HCS HJR 9 - Cox

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 522 - Fisher (125)
- 2 HCS HB 703 - Jones (89)
- 3 HCS HB 497 - Ervin
- 4 HCS HB 414 - Low
- 5 HCS HB 967 - Hobbs
- 6 HB 746 - Bringer
- 7 HCS HB 330 - Riddle
- 8 HCS HB 313 - Yates
- 9 HCS HB 799 - Jones (89)
- 10 HCS HB 162 - Dusenberg
- 11 HB 321 - Emery
- 12 HCS HB 363, HA 1, pending - Silvey
- 13 HCS HB 735 - Yates
- 14 HCS HB 387 - Cooper
- 15 HCS HB 566 - Salva
- 16 HCS HB 190 - Flook
- 17 HCS HB 857 - Pollock
- 18 HCS HB 647 - Schaaf
- 19 HCS#2 HB 372 - Schaaf
- 20 HCS HB 356 - Wallace
- 21 HCS HB 654 - Schoeller
- 22 HCS HB 937 - Icet
- 23 HCS HB 1055 - Pratt
- 24 HB 84 - Wood
- 25 HCS HB 591 - Sutherland
- 26 HCS HB 819 - Cooper
- 27 HB 1058 - Smith (150)
- 28 HCS HB 945 - Wells
- 29 HB 1009 - Parkinson
- 30 HCS HB 536 - Dixon
- 31 HCS HB 767 - Grill
- 32 HCS#2 HBs 357 & 298 - Scharnhorst

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 95, (Fiscal Review 4-02-09) - Schaaf
- 2 HB 45 - Sater

HOUSE BILLS FOR THIRD READING - CONSENT

HCS HB 304 - Schad

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 17, (3-12-09, Pages 593-594) - Sander
- 2 HCR 19, (3-11-09, Pages 554-555) - Wright
- 3 HCR 45, (4-07-09, Page 956) - Wallace

SENATE JOINT RESOLUTIONS FOR THIRD READING

SCS SJR 5 - Stream

SENATE BILLS FOR THIRD READING - CONSENT

- 1 HCS SB 421, E.C. - Cunningham
- 2 SB 66 - Hoskins (121)
- 3 SCS SB 127 - Funderburk
- 4 HCS SB 263 - Wright
- 5 SCS SB 265 - Jones (89)
- 6 SB 161 - Viebrock
- 7 HCS SCS SB 411 - Viebrock
- 8 HCS SCS SB 152 - Loehner
- 9 HCS SB 196 - Scavuzzo

SENATE BILLS FOR THIRD READING

- 1 HCS SS SCS SB 1 - Wasson
- 2 HCS SB 377, E.C. - Flook
- 3 SCS SB 153 - Cunningham
- 4 SB 224 - Pratt
- 5 HCS SB 485, E.C. - Diehl
- 6 SB 368 - Jones (117)
- 7 HCS SCS SB 188 - Jones (89)
- 8 HCS SB 480 - Quinn
- 9 HCS SCS SBs 36 & 112 - Wasson
- 10 HCS SCS SB 44 - Hoskins (121)
- 11 HCS SCS SB 15, E.C. - Stevenson
- 12 HCS SCS SB 179, E.C. - Morris
- 13 HCS SB 55, E.C. - Wallace
- 14 HCS SCS SB 216 - Cunningham

- 15 HCS SS SB 58, (Fiscal Review 4-30-09) - Dixon
- 16 HCS SB 26, (Fiscal Review 4-30-09) - Nolte
- 17 HCS SS SCS SB 539, (Fiscal Review 4-30-09), E.C. - Ruzicka
- 18 HCS SS SB 291, (Fiscal Review 4-30-09), E.C. - Wallace

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 93 & 216, as amended, E.C. - Thomson
- 2 SCS HCS HB 111 - Day
- 3 SCS HB 861 - Day
- 4 SCS HCS HB 752 - Schieffer
- 5 SS SCS HCS HB 359, as amended, E.C. - Denison
- 6 SS HCS HB 661, as amended, E.C. - Ruzicka
- 7 SS HB 259, as amended - Tilley
- 8 SCS HB 171 - Cox
- 9 SCS HCS HB 272 - Chappelle-Nadal
- 10 SCS HCS HB 237, HB 238 & HB 482 - Jones (89)
- 11 SCS HB 866 - Wells
- 12 SCS HCS HB 836 & 753 - Curls
- 13 SCS HB 867 - Guest
- 14 SCS HCS HB 667 - Jones (117)
- 15 HB 644, SA 1, SA 2 - Wilson (130)
- 16 SCS HB 326 - Sutherland
- 17 SCS HCS HB 236, E.C. - Lipke
- 18 SCS HB 506 - Funderburk
- 19 SCS HB 922 - Smith (14)
- 20 SCS HB 257 - Schieffer
- 21 SS SCS HCS HB 247 - Loehner
- 22 SS#2 SCS HB 103, as amended - Wildberger
- 23 SCS HCS HB 177 & HCS HB 622 - Cox
- 24 SCS HB 544, as amended - Smith (150)
- 25 SCS HB 239, as amended - Jones (89)
- 26 SCS HB 842, as amended - Wood
- 27 SS HB 132 - Fallert
- 28 SS HCS HB 740, E.C. - Icet
- 29 SS SCS HCS HB 205 - Parson
- 30 HB 709, SA 1 - Dusenberg
- 31 SCS HCS HB 82 - Kraus
- 32 SCS HB 716 - Todd
- 33 HCS HB 246, SA 1 - Loehner
- 34 SS HCS HB 154, as amended - Ruestman
- 35 SS SCS HB 683, as amended, E.C. - Schieffer
- 36 SS SCS HB 376, as amended, E.C. - Hobbs

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SB 171, as amended, (request House recede/grant conference) - Schlottach
- 2 HCS SB 464, as amended (request House recede/grant conference), E.C. - Yates
- 3 HCS SCS SB 47, (request House recede/grant conference) - Bruns
- 4 HCS SB 296, as amended (request House recede/grant conference) - Wells

BILLS IN CONFERENCE

- 1 SS SCS HCS HB 2 - Icet
- 2 SS SCS HCS HB 3 - Icet
- 3 SCS HCS HB 4 - Icet
- 4 SCS HCS HB 5 - Icet
- 5 SCS HCS HB 6 - Icet
- 6 SCS HCS HB 7 - Icet
- 7 SCS HCS HB 8 - Icet
- 8 SCS HCS HB 9 - Icet
- 9 SCS HCS HB 10 - Icet
- 10 SCS HCS HB 11 - Icet
- 11 SCS HCS HB 12 - Icet
- 12 SCS HB 13 - Icet
- 13 SCS#2 HCS HB 148 - Franz
- 14 SCS HCS HB 397 & HCS HB 947 - Flook
- 15 CCR SCS HCS HB 265, E.C. - Franz
- 16 CCR SCS HB 269, as amended - Parson
- 17 CCR SCS HB 91 - Pollock
- 18 SS SCS HB 395, as amended, E.C. - Nance
- 19 HCS SCS SB 242, as amended, E.C. - Jones (89)
- 20 HCS SS SB 307, as amended, E.C. - Schaaf
- 21 SB 513, HA 1, as amended - Diehl
- 22 SCS HCS HB 427, as amended - Largent

SENATE CONCURRENT RESOLUTIONS

SCR 8, (3-05-09, Pages 493-494) - Wright

HOUSE RESOLUTIONS

HR 515, (4-22-09, Pages 1218-1219) - Jones (117)