

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

SEVENTY-FIRST DAY, TUESDAY, MAY 12, 2009

The House met pursuant to adjournment.

Speaker Pro Tem Pratt in the Chair.

Prayer by Father Rob Fields, St. Peter Church, Jefferson City, Missouri.

Lord God, please help us to persevere in these final days of this Session as we make final decisions for the common good of the people of Missouri. Enlighten us with insight, understanding and wise discernment with what still needs to be accomplished with the issues at hand.

God, help us to seek Your guidance as we do our very best to act in accordance with Your divine plan.

God, may Your blessing be upon this day and all of the days of our lives. We pray to You God forever and ever. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the seventieth day was approved as printed.

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 89** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 93** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 262** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 306** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 376** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 386** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE BILL WITH SENATE AMENDMENTS

SCS HB 745, as amended, relating to state purchasing, was taken up by Representative Loehner.

Representative Loehner moved that the House refuse to adopt **SCS HB 745, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Representative Burnett made a substitute motion that the House refuse to adopt **SCS HB 745, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference and bind the House conferees to the House position.

Which motion was defeated.

Representative Loehner again moved that the House refuse to adopt **SCS HB 745, 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.

BILLS CARRYING REQUEST MESSAGES

HCS SCS SB 216, as amended, relating to debt settlement providers, was taken up by Representative Cunningham.

Representative Cunningham moved that the House refuse to recede from its position on **HCS SCS SB 216, as amended**, and request the Senate to grant the House a conference.

Which motion was adopted.

HCS SCS SBs 36 & 112, relating to forcible sexual offenses, was taken up by Representative Wasson.

Representative Wasson moved that the House refuse to recede from its position on **HCS SCS SBs 36 & 112** and grant the Senate a conference.

Which motion was adopted.

Speaker Richard assumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEE

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

HCS SB 435: Representatives Brown (149), Ruestman, McGhee, Quinn and Todd

SIGNING OF HOUSE BILL

All other business of the House was suspended while **HB 15** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

Having been duly signed in open session of the Senate, **HB 15** was delivered to the Governor by the Chief Clerk of the House.

Speaker Pro Tem Pratt resumed the Chair.

THIRD READING OF SENATE BILL

HCS SS SB 291, relating to education, was taken up by Representative Wallace.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Pages 50 to 51, Section 160.775, Lines 1 to 44, by striking said section from the bill; and

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

Representative Icet assumed the Chair.

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

House Amendment No. 1 to House Amendment No. 1 was withdrawn.

Representative Lampe offered **House Amendment No. 2 to House Amendment No. 1**.

House Amendment No. 2

to

House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 291, Page 1, Line 2, by deleting the "1" and replacing with "18".

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	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	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
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	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	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Rucker	Salva
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 004

Meadows	Roorda	Scavuzzo	Wasson
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Representative Lampe moved that **House Amendment No. 2 to House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 067

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	Holsman	Hoskins 80	Hughes	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Rucker	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Storch	Talboy	Vogt	Walsh	Walton Gray
Webb	Webber	Wildberger	Witte	Yaeger
Zerr	Zimmerman			

NOES: 091

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	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
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	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Wells
Wilson 119	Wilson 130	Wood	Wright	Yates
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 005

Meadows	Roorda	Scavuzzo	Wasson	Weter
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Representative Schoeller offered **House Amendment No. 3 to House Amendment No. 1.**

House Amendment No. 3
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 291, Page 1, Line 3, by inserting immediately after said line the following:

Further amend said substitute, Section 161.800, Page 67, Lines 23 - 26, by deleting all of said line and inserting in lieu thereof the following:

"e. Been a victim of a crime in which and offender has been convicted of a hate crime as defined in section 557.035, RSMo;"; and"; and

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

Speaker Richard resumed the Chair.

Representative Icet resumed the Chair.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Hobbs	Hoskins 121
Ice	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kraus	Lair	Largent	Leara
Lipke	Loehner	McGhee	McNary	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	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: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	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	Meiners	Morris	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Still	Storch	Swinger	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Wildberger	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 002

Meadows Spreng

Speaker Richard resumed the Chair.

Representative Icet resumed the Chair.

On motion of Representative Schoeller, **House Amendment No. 3 to House Amendment No. 1** was adopted by the following vote:

AYES: 088

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	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	Kelly	Kingery	Koenig
Kraus	Largent	Leara	Lipke	Loehner
McNary	Molendorp	Munzlinger	Nance	Nasheed
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: 070

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

PRESENT: 000

ABSENT WITH LEAVE: 005

McGhee

Meadows

Rucker

Spreng

Vogt

HCS SS SB 291, with House Amendment No. 1, as amended, pending, was laid over.

Speaker Richard resumed the Chair.

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 210**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 251**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 400**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 593**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HB 683, as amended**, and has taken up and passed **CCS SS SCS HB 683**.

Emergency clause adopted.

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

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2998 through House Resolution No. 3045

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 678**.

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 HB 745, 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 President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HB 745, as amended**: Senators Clemens, Stouffer, Mayer, Shoemyer and Barnitz.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SBs 36 & 112**: Senators Goodman, Crowell, Schmitt, Barnitz and Shoemyer.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate grants the House a conference on **HCS SCS SB 216, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 216, as amended**: Senators Scott, Cunningham, Crowell, Justus and Barnitz.

THIRD READING OF SENATE BILL

HCS SS SB 291, with House Amendment No. 1, as amended, pending, relating to education, was again taken up by Representative Wallace.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 082

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Guernsey	Guest	Hobbs
Hoskins 121	Icet	Jones 89	Jones 117	Keeney
Kingery	Koenig	Lair	Largent	Leara
Lipke	McGhee	McNary	Molendorp	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Riddle	Ruestman	Ruzicka
Sander	Sater	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
Zerr	Mr Speaker			

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NOES: 055

Atkins	Aull	Biermann	Bringer	Brown 73
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
El-Amin	Englund	Fallert	Fischer 107	Frame
Grill	Harris	Hodges	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	Liese
Low	McClanahan	McDonald	McNeil	Nasheed
Norr	Oxford	Pace	Quinn	Rucker
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Swinger	Talboy	Todd
Walton Gray	Webb	Webber	Witte	Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 026

Brown 50	Colona	Corcoran	Curls	Davis
Dougherty	Fisher 125	Grisamore	Holsman	Hughes
Kraus	LeVota	Loehner	Meadows	Meiners
Morris	Roorda	Salva	Schaaf	Sprenge
Storch	Vogt	Walsh	Wildberger	Yates
Zimmerman				

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

AYES: 094

Allen	Biermann	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Casey	Cooper
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	El-Amin	Emery	Ervin
Faith	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Guernsey	Guest
Harris	Hobbs	Hoskins 80	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kingery	Koenig
Kraus	Lair	Largent	Leara	Lipke
McGhee	McNary	Molendorp	Munzlinger	Nance
Nasheed	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	Swinger
Thomson	Tilley	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright	Zerr	Mr Speaker	

NOES: 055

Atkins	Aull	Bringer	Brown 50	Brown 73
Burnett	Calloway	Carter	Chappelle-Nadal	Colona
Corcoran	Englund	Fallert	Frame	Grill
Hodges	Hummel	Jones 63	Kander	Kelly
Kirkton	Komo	Kratky	Kuessner	Lampe

LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McNeil	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Still
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 014

Curls	Dougherty	Grisamore	Holsman	Hughes
Loehner	Meadows	Meiners	Morris	Salva
Spreng	Storch	Vogt	Yates	

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Page 203, Section C, Lines 1 to 8, and Section D, Lines 1 to 8, by deleting all of said lines and inserting in lieu thereof the following:

“Section C. Because of the need to ensure adequate funding for our public schools, the necessity of immediate action to prevent illegal student enrollment and to promote legal foreign student enrollment in the upcoming summer educational sessions, the need to provide guidance and timely opportunity for use of federal stimulus funds in school renovation projects, and the need to protect the financial security of Missouri teachers who plan to retire in the upcoming year, the repeal of section 313.775, the repeal and reenactment of sections 115.121, 160.534, 163.011, 163.031, 163.043, 166.300, 169.560, 169.660, 172.360, 174.130, 178.635, 178.780, 208.009, and 313.822, and the enactment of sections 30.1010, 30.1014, 37.530, 163.095, 166.391, 166.392, 166.393, 166.394, 166.395, 166.396, 166.397, 173.1110, 175.025, 178.785, and section 1 of section A of this act are deemed necessary for the immediate preservation of the public health, peace, welfare and safety, and are hereby declared to be an emergency within the meaning of the constitution; and the repeal and reenactment of sections 115.121, 166.300, 169.560, 169.660, 172.360, 174.130, 178.635, 178.780, and 208.009, and the enactment of sections 30.1010, 30.1014, 37.530, 166.391, 166.392, 166.393, 166.394, 166.395, 166.396, 166.397, 173.1110, 175.025, 178.785, and section 1 of section A of this act shall be in full force and effect upon their passage and approval; and the repeal of section 313.775, the repeal and reenactment of sections 160.534, 163.011, 163.031, 163.043, and 313.822, and the enactment of section 163.095 of section A of this act shall be in full force and effect on July 1, 2009, or upon their passage and approval, whichever occurs later.”; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Sections 30.1010 and 30.1014, Page 2, by striking said sections from the bill; and

Further amend said bill, Section 37.530, Page 3, Line 2, by deleting the words “**Stimulus**” and inserting in lieu thereof the following:

“**Budget Stabilization**”; and

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Further amend said line, by deleting the numeral “**30.1014**” and inserting in lieu thereof the following:

“**30.1010**”; and

Further amend said bill, section and page, Line 4, by deleting the number “**166.387**” and inserting in lieu thereof the following:

“**166.397**”; and

Further amend said bill, Section 160.254, Page 24, Line 50, by deleting “**general assembly**” and inserting in lieu thereof the following:

“**joint committee**”; and

Further amend said bill, Section 160.539, Page 45, Line 20, by inserting after the first occurrence of the word “**department**” the following:

“**of elementary and secondary education**”; and

Further amend said bill, Section 160.775, Page 51, Line 21, by deleting the numeral “**1**” and inserting in lieu thereof the numeral “**2**”; and

Further amend said bill, Section 162.1250, Page 80, Line 10, by deleting the words “**virtual school courses**” and inserting in lieu thereof the following:

“**virtual courses or virtual programs**”; and

Further amend said bill, section and page, Line 12, by deleting “**school courses**” and inserting in lieu thereof the following:

“**courses or virtual programs**”; and

Further amend said bill, and section, Page 81, Line 62, by inserting immediately after the figure “**(11)**” the following:

“**The virtual course or virtual program**”; and

Further amend said bill, section and page, Line 64, by inserting immediately after the figure “**(12)**” the following:

“**The virtual course or virtual program**”; and

Further amend said bill, section and page, Lines 66 to 67, by deleting all of said lines and inserting in lieu thereof the following:

“**6. Any special school district shall count any student's completion of a virtual course or program in the same manner as the district counts completion of any other course or program for credit.**”; and

Further amend Section 163.095, Page 94, Line 13, by striking the words “**district's 2007 audit**” and inserting in lieu thereof the following:

“**audit conducted by the state auditor in 2007**”; and

Further amend said bill, Section 166.300, Page 102, Line 95, by deleting the words “**Stimulus**” and inserting in lieu thereof the following:

“**Budget Stabilization**”; and

Further amend said bill, section and page, Line 96, by deleting the numeral “**30.1014**” and inserting in lieu thereof the following:

“**30.1010**”; and

Further amend Section 171.033, Page 170, Line 17, by deleting “**year and subsequent years**” and inserting in lieu thereof the following:

“**year,**”; and

Further amend said bill, section and page, Line 21, by inserting after all of said line the following:

"4. In the 2009-2010 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or canceled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or canceled days up to eight days, resulting in no more than ten total make-up days required by this section."; and further amend said section by renumbering the remaining subsection accordingly; and

Further amend said bill, Section 173.754, Page 178, Line 22, by adding after all of said line the following:

"4. For purposes of this section, "board" shall refer to the coordinating board for higher education."; and

Further amend said bill, Section 301.4006, Page 199, Line 1, by deleting the number “**301.4006**” and inserting in lieu thereof the following:

“**301.4020**”; and

Further amend said bill, Section 1, Page 201, Lines 1 to 4, by striking said section from the bill; and

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

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

Representative Jones (89) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Section 160.254, Page 24, Line 43, by deleting the words “**department of elementary and secondary**” and inserting in lieu thereof the following:

“**joint committee on**”; and

Further amend said bill, section and page, Lines 45 and 48, by deleting the word “**department**” and inserting in lieu thereof the following:

“**joint committee**”; and

Further amend said bill, section and page, Line 50, by deleting all of said line and inserting in lieu thereof the following:

“submission to the general assembly by December 31, 2009.”; and

Further amend said bill, Section 171.031, Page 169, Lines 7 to 10, by deleting all of said lines and inserting in lieu thereof the following:

“2. Each local school district [may] **shall** set its opening date each year, which date shall be [no earlier than] **at least fourteen calendar days after notification of parents as to the determination of students' eligibility for public school choice options pursuant to the federal No Child Left Behind Act and regulations promulgated thereunder but no earlier than** ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section. **A school district that sets its opening date more than ten days prior to the first Monday in September as provided in subsection 3 of this section shall still comply with the fourteen day notification period described in this subsection.**”; and

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

Representative Kelly requested a division of the question on **House Amendment No. 4.**

House Amendment No. 4

Part I

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Section 160.254, Page 24, Line 43, by deleting the words **“department of elementary and secondary”** and inserting in lieu thereof the following:

“joint committee on”; and

Further amend said bill, section and page, Lines 45 and 48, by deleting the word **“department”** and inserting in lieu thereof the following:

“joint committee”; and

Further amend said bill, section and page, Line 50, by deleting all of said line and inserting in lieu thereof the following:

“submission to the general assembly by December 31, 2009.”; and

Representative Jones (89) moved that **Part I of House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 056

Allen	Bivins	Brandom	Brown 30	Burlison
Calloway	Cooper	Cox	Cunningham	Davis
Day	Dethrow	Dieckhaus	Diehl	Dixon
El-Amin	Emery	Faith	Fisher 125	Flanigan
Flook	Funderburk	Gatschenberger	Hoskins 80	Hughes
Icet	Jones 63	Jones 89	Jones 117	Keeney
Koenig	Lair	Leara	Lipke	McNary
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Riddle	Sander	Schaaf	Scharnhorst

Schlottach	Schoeller	Self	Smith 150	Stevenson
Stream	Sutherland	Tilley	Tracy	Zerr
Mr Speaker				

NOES: 101

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Brown 149	Bruns	Burnett	Carter
Casey	Chappelle-Nadal	Colona	Corcoran	Curls
Deeken	Denison	Dugger	Dusenberg	Englund
Ervin	Fallert	Fischer 107	Frame	Franz
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 121	Hummel
Kander	Kelly	Kingery	Kirkton	Komo
Kratky	Kraus	Kuessner	Lampe	Largent
LeBlanc	LeVota	Liese	Low	McClanahan
McDonald	McGhee	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sater	Scavuzzo	Schad
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Smith 14	Spreng	Still	Storch	Swinger
Talboy	Thomson	Todd	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zimmerman				

PRESENT: 001

Nasheed

ABSENT WITH LEAVE: 005

Dougherty	Loehner	Meadows	Silvey	Vogt
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Representative Icet resumed the Chair.

House Amendment No. 4

Part II

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Section 171.031, Page 169, Lines 7 to 10, by deleting all of said lines and inserting in lieu thereof the following:

“2. Each local school district [may] **shall** set its opening date each year, which date shall be [no earlier than] **at least fourteen calendar days after notification of parents as to the determination of students' eligibility for public school choice options pursuant to the federal No Child Left Behind Act and regulations promulgated thereunder but no earlier than** ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section. **A school district that sets its opening date more than ten days prior to the first Monday in September as provided in subsection 3 of this section shall still comply with the fourteen day notification period described in this subsection.**”; and

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

Representative Jones (89) moved that **Part II of House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 057

Bivins	Brandom	Burlison	Calloway	Carter
Cooper	Cox	Davis	Day	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	El-Amin
Emery	Ervin	Faith	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Hoskins 80	Hughes
Icet	Jones 63	Jones 89	Jones 117	Koenig
Leara	McGhee	Meiners	Nasheed	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Sander	Schaaf	Scharnhorst	Schoeller	Self
Silvey	Smith 14	Smith 150	Stevenson	Sutherland
Tilley	Tracy	Wilson 119	Wood	Zerr
Zimmerman	Mr Speaker			

NOES: 103

Allen	Atkins	Aull	Biermann	Bringer
Brown 50	Brown 73	Brown 149	Bruns	Burnett
Casey	Chappelle-Nadal	Colona	Corcoran	Cunningham
Curls	Deeken	Denison	Dugger	Dusenberg
Englund	Fallert	Fisher 107	Fisher 125	Frame
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 121	Hummel
Kander	Keeney	Kelly	Kingery	Kirkton
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McNary	McNeil	Molendorp	Morris	Munzlinger
Nance	Norr	Oxford	Pace	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sater	Scavuzzo	Schad	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Stream	Swinger	Talboy
Thomson	Todd	Viebrock	Vogt	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wildberger	Wilson 130	Witte
Wright	Yaeger	Yates		

PRESENT: 000

ABSENT WITH LEAVE: 003

Brown 30	Meadows	Schlottach
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Representative Emery offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Section 210.205, Pages 195 to 198, Lines 1 to 96, by deleting all of said section; and

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

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

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	Funderburk	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	Meiners	Morris	Nasheed
Norr	Oxford	Pace	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Skaggs	Streng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Walton Gray
Webb	Webber	Wildberger	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 003

Meadows	Quinn	Shively
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Representative Emery moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Bivins	Bringer	Brown 30	Brown 149	Bruns
Burlison	Calloway	Cox	Davis	Day
Deeken	Dethrow	Dieckhaus	Diehl	Dugger
Emery	Ervin	Faith	Fischer 107	Fisher 125
Flanigan	Flook	Funderburk	Gatschenberger	Guernsey
Guest	Harris	Hobbs	Hoskins 80	Hoskins 121
Icet	Jones 63	Jones 89	Jones 117	Keeney
Kingery	Koenig	Leara	Lipke	Loehner
McNary	Molendorp	Munzlinger	Nieves	Nolte
Parkinson	Parson	Pollock	Pratt	Riddle
Ruestman	Ruzicka	Sander	Schad	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Sutherland	Tilley	Tracy	Viebrock
Wallace	Wells	Weter	Wilson 119	Wood
Wright	Yates	Mr Speaker		

NOES: 089

Allen	Atkins	Aull	Biermann	Brandom
Brown 50	Brown 73	Burnett	Carter	Casey
Chappelle-Nadal	Colona	Cooper	Corcoran	Cunningham
Curls	Denison	Dixon	Dougherty	Dusenberg
El-Amin	Englund	Fallert	Frame	Franz
Grill	Grisamore	Hodges	Holsman	Hughes
Hummel	Kander	Kelly	Kirkton	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	LeBlanc	LeVota	Liese	Low
McClanahan	McDonald	McGhee	McNeil	Meiners
Morris	Nance	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Spreng
Still	Storch	Stream	Swinger	Talboy
Thomson	Todd	Vogt	Walsh	Walton Gray
Wasson	Webb	Webber	Wildberger	Wilson 130
Witte	Yaeger	Zerr	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 001

Meadows

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Page 45, Section 160.545, Line 4, by inserting immediately after the word “public” the following:

“or accredited private”; and

Further amend said section, Page 48, Line 75, by inserting immediately after the word “public” the following:

“or accredited private”; and

Further amend said page, Line 92, by inserting after the word “public” the following:

“or accredited private”; and

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

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 088

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	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
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch

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Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Wildberger	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 30	Hughes	Meadows	Vogt
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On motion of Representative Nieves, **House Amendment No. 6** was adopted by the following vote:

AYES: 140

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

NOES: 020

Brown 73	Burnett	Chappelle-Nadal	Colona	Faith
Frame	Guest	Kander	Keeney	Komo
LeVota	Low	McNeil	Oxford	Roorda
Skaggs	Walton Gray	Webb	Witte	Wood

PRESENT: 002

Morris Nasheed

ABSENT WITH LEAVE: 001

Meadows

Representative Franz offered House Amendment No. 7.

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Pages 153 and 154, Section 169.560, Lines 1 to 46, by deleting said section from the bill; and

Further amend said bill, Pages 160 and 161, Section 169.660, Lines 1 to 42, by deleting all of said section from the bill; and

Further amend said bill, in the emergency clause, by deleting references to Section 169.560 and 169.660; and

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

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Bivins	Brandom	Brown 149	Bruns
Burlison	Cooper	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	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	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	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: 070

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	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

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LeVota	Liese	Low	McClanahan	McNeil
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webb
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

Brown 30	Cox	McDonald	Meadows	Salva
Silvey				

On motion of Representative Franz, **House Amendment No. 7** was adopted.

HCS SS SB 291, as amended, was laid over.

Speaker Richard resumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEES

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

SCS HB 745: Representatives Loehner, Wright, Schad, Witte and Harris

HCS SCS SBs 36 & 112: Representatives Wasson, Bruns, Hobbs, Roorda and Morris

HCS SCS SB 216: Representatives Cunningham, Wells, Largent, Grill and Liese

Representative Icet resumed the Chair.

THIRD READING OF SENATE BILLS

HCS SS SB 291, as amended, relating to education, was again taken up by Representative Wallace.

Representative Hoskins (80) offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Section 167.126, Page 112, Line 70, by inserting after all of said section and line the following:

“167.131. 1. The board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092, RSMo, shall pay the tuition of and provide transportation consistent with the provisions of section 167.241, RSMo, for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county.

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. The term "debt service",

as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

3. Beginning with the 2010-2011 school year, any school district that refuses a request for admission from a nonresident student whose district of residence has been declared unaccredited shall provide the reason for rejection to the student's parent or guardian in writing, citing the specific element of the district's policy on such admissions that permits the district's refusal to admit the particular student. Appeals regarding nonadmission by the parent or guardian or the receiving district may be made to the state board of education.

4. The provisions of subsection 3 of this section shall not apply to any school district that has territory in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants or in a county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants.”; and

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

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

Allen	Bivins	Brandom	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Cooper	Cox
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flanigan	Flook	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Hobbs
Hoskins 80	Hoskins 121	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	Low
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: 067

Atkins	Aull	Biermann	Bringer	Brown 73
Burnett	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Corcoran	Curls	El-Amin	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hodges	Holsman	Hughes	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
McClanahan	McDonald	McNeil	Meiners	Morris
Nasheed	Norr	Oxford	Pace	Quinn
Roorda	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch

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Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webb	Webber	Wildberger	Witte
Yaeger	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 004

McGhee	Meadows	Rucker	Salva
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On motion of Representative Hoskins (80), **House Amendment No. 8** was adopted by the following vote:

AYES: 105

Allen	Atkins	Bivins	Brandom	Bringer
Brown 30	Brown 50	Brown 73	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Casey
Colona	Cooper	Cox	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dougherty	El-Amin	Emery	Ervin
Faith	Fischer 107	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Guest	Harris	Hobbs
Holsman	Hoskins 80	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Koenig	Komo	Kuessner	Lair	Lampe
LeBlanc	LeVota	Lipke	Loehner	Low
McClanahan	McDonald	McNary	Meiners	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Roorda	Rucker	Ruestman	Sander
Schaaf	Scharnhorst	Schieffer	Schlottach	Schoeller
Self	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Sutherland
Talboy	Tilley	Tracy	Walsh	Walton Gray
Webb	Webber	Wildberger	Zerr	Mr Speaker

NOES: 054

Aull	Biermann	Chappelle-Nadal	Corcoran	Cunningham
Diehl	Dugger	Dusenberg	Englund	Fallert
Fisher 125	Frame	Grill	Grisamore	Guernsey
Hodges	Hoskins 121	Kelly	Kingery	Kirkton
Kratky	Kraus	Largent	Leara	Liese
McNeil	Molendorp	Munzlinger	Riddle	Ruzicka
Sater	Scavuzzo	Schad	Schoemehl	Schupp
Shively	Spreng	Swinger	Thomson	Todd
Viebrock	Vogt	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wood
Wright	Yaeger	Yates	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 004

McGhee	Meadows	Morris	Salva
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Representative Schad offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Section 208.009, Page 187, Line 58, by inserting immediately after said line the following:

“210.116. No mandatory reporter of child abuse or neglect pursuant to section 210.115, required to report in an official capacity as a staff member of a medical facility, school facility or other agency shall be prohibited or otherwise delayed or restricted in any way from making a report of child abuse or neglect pursuant to section 210.115, by any policy, action, or instruction of any official, administrator, person in charge or other designated agent, nor shall any such mandatory reporter suffer any disciplinary action, unfavorable or diminished rating or evaluation or any other employment or workplace consequence on the basis of making a report pursuant to section 210.115.”; and

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

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

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

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 291, Section 210.135, Page 188, Line 20, by inserting after all of said line the following:

“3. In a case in which a child dies or is seriously injured after a report is made under sections 210.109 to 210.165, the hotline worker or workers taking any reports related to such case and division case worker or workers assigned to the investigation of such report shall receive a preliminary evaluation by the division to determine if an assessment to establish whether the worker is able to competently perform his or her duties of each worker is required. If required, the assessment shall be completed within three days of the child's death.”; and

Further amend said bill, Section 210.145, Pages 189 to 192, Lines 31 to 147, by deleting all of said lines and inserting in lieu thereof the following:

“4. Repeated calls to the child abuse and neglect hotline on the same child within a seventy-two-hour period shall result in a review by the division to determine if the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted.

5. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

[5.] **6.** The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. **Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger.** If the parents of the child are not the alleged abusers, a parent of the child must be notified prior to the child being interviewed by the division. **No person responding to a child abuse and neglect investigation shall leave any**

documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if no person is present at the time of the home visit. If the abuse is alleged to have occurred in a school or child-care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, child-care facility shall have the same meaning as such term is defined in section 210.201.

[6.] 7. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

[7.] 8. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

[8.] 9. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

[9.] 10. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

[10.] 11. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

[11.] 12. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

[12.] 13. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

[13.] 14. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these

services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

[14.] **15.** Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If a child involved in a pending investigation dies, the investigation shall remain open until the division's investigation surrounding the death is completed. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

[15.] **16.** A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730, RSMo. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.”; and

Further amend said bill and section, Page 192, Line 148, by deleting “16.” and inserting in lieu thereof the following:

“[16.] **17.**”; and

Further amend said bill, section and page, Line 151, by deleting “17.” and inserting in lieu thereof the following: “**18.**”; and

Further amend said bill, section and page, Line 160, by deleting “18.” and inserting in lieu thereof the following: “**19.**”; and

Further amend said bill and section, Page 193, Line 164, by deleting “19.” and inserting in lieu thereof the following: “**20.**”; and

Further amend said bill, section and page, Line 167, by deleting “20.” and inserting in lieu thereof the following: “**21.**”; and

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

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Ice	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: 069

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	Meiners	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Talboy	Todd	Walton Gray	Webb	Webber
Wildberger	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 007

Denison	Kraus	Meadows	Morris	Spreng
Vogt	Walsh			

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

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

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	Funderburk	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: 070

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	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	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger
Talboy	Todd	Vogt	Walton Gray	Webb
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 004

Dougherty	Meadows	Spreng	Walsh
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Representative Wallace moved that **HCS SS SB 291, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 043

Aull	Bivins	Brandom	Brown 50	Bruns
Cooper	Cox	Cunningham	Deeken	Denison
Fisher 125	Hobbs	Hoskins 80	Hoskins 121	Kingery
Largent	Loehner	McNary	Molendorp	Munzlinger

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Nance	Nolte	Pollock	Pratt	Riddle
Ruzicka	Sater	Schad	Scharnhorst	Schlottach
Schoeller	Smith 150	Stream	Thomson	Viebrock
Wallace	Wasson	Weter	Wilson 119	Wilson 130
Wood	Wright	Mr Speaker		

NOES: 116

Allen	Atkins	Biermann	Bringer	Brown 30
Brown 73	Brown 149	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Curls	Davis	Day	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hodges	Holsman	Hughes
Hummel	Icet	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Leara	LeBlanc	LeVota	Liese
Lipke	Low	McClanahan	McDonald	McGhee
McNeil	Meiners	Morris	Nieves	Norr
Oxford	Pace	Parkinson	Parson	Quinn
Roorda	Rucker	Ruestman	Salva	Sander
Scavuzzo	Schaaf	Schieffer	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Spreng	Stevenson	Still	Storch	Sutherland
Swinger	Talboy	Tilley	Todd	Tracy
Vogt	Walton Gray	Webb	Webber	Wells
Wildberger	Witte	Yaeger	Yates	Zerr
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 004

Dougherty	Meadows	Nasheed	Walsh
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Representative Hughes offered **House Amendment No. 1** to **SS SB 291**.

House Amendment No. 1 to **SS SB 291** was withdrawn.

SS SB 291 was placed on the Informal Calendar.

Speaker Richard resumed the Chair.

HCS SS SCS SB 306, relating to health care, was taken up by Representative Ervin.

Representative Wilson (130) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 33, Section 208.215, Line 206, by deleting the open and close brackets “[]” and the word “**participants**” on said line; and

Further amend said bill, Page 51, Section 376.424, Line 3, by inserting open and close brackets “[]” around the word “subject” and inserting immediately before the word “to” the word “**if**”; and

Further amend said bill, page, section, Line 5, by inserting open and close brackets “[]” around the phrase “shall be” and inserting immediately before the word “paid” the word “**is**”; and

Further amend said bill, Page 103, Section C, by deleting all of said section; and

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

On motion of Representative Wilson (130), **House Amendment No. 1** was adopted.

Representative Hoskins (80) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Section 191.940, Page 4, Line 55, by inserting after all of said line the following:

"191.945. 1. The department of health and senior services shall, subject to appropriations, develop and disseminate to the public information regarding uterine fibroids, including information on:

(1) The incidence and prevalence of uterine fibroids among women;

(2) The elevated risk for minority women to develop uterine fibroids; and

(3) The availability, as medically appropriate, of a range of treatment options for symptomatic uterine fibroids.

The department may disseminate information under this subsection directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, the media, or federal, state, or local agencies.

2. The department of health and senior services shall, subject to appropriations, develop and disseminate to health care providers information on uterine fibroids for the purpose of ensuring that health care providers remain informed about current information on uterine fibroids. Such information shall include, but not be limited to, the elevated risk for minority women to develop uterine fibroids and the range of available options for the treatment of symptomatic uterine fibroids.

3. As used in this section, "minority women" means women who are members of a racial and ethnic minority group, as defined in 42 U.S.C. Section 300u-6(g)."; and

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

On motion of Representative Hoskins (80), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Section 208.152, Page 22, Line 107, by deleting the word “her” on said line and inserting in lieu thereof the word “**he**”; and

Further amend said substitute, section, page, and line, by inserting immediately after the word “terminate” on said line the words “**for persons enrolled in the waiver,**”; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 96, Section 3, Line 26, by inserting after said line the following:

“(18) Routine and medical eyecare services, including but not limited to eye examination, diagnosis and treatment of eye disease, and low vision services;” and renumbering the remaining subdivisions accordingly; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Section 205.202, Page 19, Line 65, by inserting after all of said line the following:

“208.027. 1. The department of social services shall develop a program to screen and test each work-eligible applicant or work-eligible recipient who is otherwise eligible for temporary assistance for needy families benefits under this chapter and who the department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the illegal use of a controlled substance, which was not prescribed for such applicant or recipient by a licensed health care provider, shall, after an administrative hearing conducted by the department under the provisions of chapter 536, RSMo, be declared ineligible for temporary assistance for needy families benefits for a period of one year from the date of the administrative hearing decision. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this section to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health. Other members of a household which includes a person who has been declared ineligible for temporary assistance for needy families assistance shall, if otherwise eligible, continue to receive temporary assistance for needy families benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

2. The department of social services shall promulgate rules to develop the screening and testing provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.”; and

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

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

Representative Yates raised a point of order that **House Amendment No. 1 to House Amendment No. 5** goes beyond the scope of the underlying amendment.

The Chair ruled the point of order well taken.

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	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	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	Grill
Harris	Hodges	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch
Swinger	Talboy	Todd	Vogt	Walsh
Walton Gray	Webber	Wildberger	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 004

Frame	Kingery	Meadows	Webb
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On motion of Representative Brandom, **House Amendment No. 5** was adopted by the following vote:

AYES: 105

Allen	Biermann	Bivins	Brandom	Brown 30
Brown 149	Bruns	Burlison	Chappelle-Nadal	Cooper
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
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Icet	Jones 89	Jones 117
Keeney	Kingery	Koenig	Komo	Kratky
Kraus	Lair	Largent	Leara	Lipke
McDonald	McGhee	McNary	Meiners	Molendorp
Munzlinger	Nance	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Shively	Silvey	Smith 14
Smith 150	Stevenson	Stream	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright	Yates	Zerr	Mr Speaker

NOES: 051

Atkins	Aull	Bringer	Brown 50	Brown 73
Burnett	Calloway	Carter	Casey	Colona
Corcoran	Curls	El-Amin	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Kander	Kelly
Kirkton	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McNeil	Morris
Norr	Oxford	Pace	Roorda	Rucker
Schoemehl	Schupp	Skaggs	Spreng	Still
Storch	Talboy	Vogt	Walsh	Walton Gray
Webb	Webber	Wildberger	Witte	Yaeger
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 007

Frame	Hoskins 121	Loehner	Meadows	Nasheed
Self	Sutherland			

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 28, Section 208.215, Line 22 - 58, by deleting all of said lines.

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

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

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Section 191.940, Page 3, Line 26, by deleting the words “**one hundred**” and inserting in lieu thereof the word “**fifty**”; and

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

On motion of Representative Lipke, **House Amendment No. 7** was adopted.

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

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, In the Title, Line 5, by deleting the word "seventy-three" and inserting in lieu thereof the word "seventy-four"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "seventy-three" and inserting in lieu thereof the word "seventy-four"; and

Further amend said bill, Page 1, Section A, Line 9, by inserting after the section number "376.776," the section number "376.789,"; and

Further amend said bill, Page 69, Section 376.776, Line 26, by inserting after all of said line the following:

"376.789. 1. (1) This section applies to an individual or group specified disease insurance policy issued to any person that contains the terms "actual charge" or "actual fee" without containing an express definition of such terms.

(2) When used in an individual specified disease insurance policy in connection with the benefits payable for services rendered by a health care provider or other designated person or entity, "actual charge" or "actual fee" means the amount the health care provider or other designated person or entity:

(a) Agrees to accept under a network or other participation agreement with the health insurer, third-party administrator, or other third-party payor, or other person, including the insured, as payment in full for the treatment, goods, or services provided to the insured; or

(b) Agrees, or as obligated by operation of law, to accept as payment in full for the treatment, goods, or services provided to the insured under a provider, participation, or supplier agreement under Medicare, MO HealthNet, or any other government-administered health care program where the insured is covered or reimbursed by such program.

(3) As used in this section, "payment in full" includes the actual charge or actual fee that was actually paid for the health care provider's treatment, goods, or services on behalf of the insured by Medicare, MO HealthNet, any other government-administered health care program, any other health insurer, third-party administrator, or other third-party payor and, where applicable, any remaining portion of the actual charge or actual fee that was applied or assessed against the insured by Medicare, MO HealthNet, any other government-administered health care program, any other health insurer, third-party administrator, or other third-party payor for the applicable deductions, co-insurance requirements, or co-pay requirements.

(4) If paragraphs (a) and (b) of subdivision (2) of this subsection apply, the actual charge or actual fee shall be the lesser of the amounts determined under paragraphs (a) and (b) of subdivision (2) of this subsection.

2. Notwithstanding any other provision of law and after the effective date of this section, an issuer of an individual or group specified disease insurance policy shall not pay a claim of benefit under the applicable policy in an amount in excess of the actual charge or actual fee as defined in this section."; and

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

Representative Schaaf offered **House Amendment No. 1 to House Amendment No. 8.**

House Amendment No. 1
to
House Amendment No. 8

AMEND House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 1, Line 10 of said amendment, by inserting after all of said line the following:

Further amend said bill, Section 376.391, Page 41, Line 5, by inserting after all of said line the following:

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

(1) "Health carrier", the same meaning as such term is defined in section 376.1350;

(2) "Provider", the same meaning as such term is defined in section 376.1350, and in addition, licensed pharmacies and home health agencies.

2. No health carrier, or any of its subsidiaries, networks, contractors, or subcontractors, shall discriminate against any Missouri provider who is located within the geographic coverage area of a health benefit plan and who is willing to meet the terms and conditions for provider participation established for such health benefit plan, including the MO HealthNet and Medicare programs."; and'; and

Further amend said amendment, Page 2, Lines 3 and 5, by inserting after the word "provider", the word ", pharmacy"; and

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

Representative Roorda raised a point of order that **House Amendment No. 1 to House Amendment No. 8** goes beyond the scope of the amendment.

The Chair ruled the point of order not well taken.

House Amendment No. 8 was withdrawn.

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

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 6, Section 191.1005, Line 59 - 60, by deleting the words "**subdivisions (17) and (18)**" and inserting in lieu thereof the words "**subdivision (17)**"; and

Further amend said bill, Page 6, Section 191.1005, Lines 76 - 103, by deleting said lines and inserting in lieu thereof the following:

"(17) All quality measures shall be endorsed by the National Quality Forum (NQF), or its successor organization. Where NQF-endorsed measures do not exist, the next level of measures to be considered, until such measures are endorsed by the National Quality Forum (NQF), or its successor organization, shall be those endorsed by the Ambulatory Care Quality Alliance, the National Committee for Quality Assurance, or the Joint Commission on the Accreditation of Healthcare Organizations, Healthcare Effectiveness and Data Information Set (HEDIS)."; and

Further amend said bill, Pages 12 - 17, Sections 197.550 to 197.586, by deleting said sections and inserting in lieu thereof the following:

"197.550. As used in sections 197.550 to 197.555, the following terms shall mean:

(1) "Reportable incident", an occurrence of a serious reportable event in health care as such event is defined in this section;

(2) "Serious reportable event in health care", an occurrence of one or more of the actions or outcomes included in the list of serious adverse events in health care as initially defined by the National Quality Forum in its March 2002 report and subsequently updated by the National Quality Forum, including all criteria established for identifying such events;

(3) "Third-party payor," a health carrier as defined in section 376.1350, RSMo, an organization entered into a preferred provider agreement, and a third-party administrator for a self-funded health benefit plan.

197.553. All hospitals shall establish a policy whereby the patient or the patient's legally authorized representative is notified of the occurrence of a serious reportable event in health care. Such notification shall be provided not later than one business day after the hospital or its agent becomes aware of the occurrence. The time, date, participants, and content of the notification shall be documented in the patient's medical record. The provision of notice to a patient under this section shall not, in any action or proceeding, be considered an acknowledgment or admission of liability.

197.555. Beginning January 1, 2010, any hospital that reports a reportable incident shall not charge for or bill any entity, including third-party payors and patients, for all services related to the reportable incident. If a third-party payor denies a claim, in whole or in part, because there is no coverage for services that resulted in any of the reportable incidents described in section 197.550, the health care professional or facility that provided such services is prohibited from billing the patient for such services."; and

Further amend said bill, Page 19 - 20, Section 208.152, Lines 13 - 18, by deleting the words **“; and provided further that the hospital does not have in force as of January 1, 2011, any contracts with health carriers, as defined in section 376.1350, RSMo, that limit the use of medical claims data to payment of claims or otherwise preclude health carriers from responding to the need of consumers for comparative cost, quality, and efficiency information, or other performance information on health care services and health care providers, as defined in section 376.1350, RSMo”**; and

Further amend said bill, Page 20, Section 208.152, Lines 25 - 31, by deleting the words **“; and provided further that the hospital does not have in force as of January 1, 2011, any contracts with health carriers, as defined in section 376.1350, RSMo, that limit the use of medical claims data to payment of claims or otherwise preclude health carriers from responding to the need of consumers for comparative cost, quality, and efficiency information, or other performance information on health care services and health care providers, as defined in section 376.1350, RSMo”**; and

Further amend said bill, Page 21, Section 208.152, Lines 54 - 59, by deleting the words **“; and provided further that the physician does not have in force as of January 1, 2011, any contracts with health carriers, as defined in section 376.1350, RSMo, that limit the use of medical claims data to payment of claims or otherwise preclude health carriers from responding to the need of consumers for comparative cost, quality, and efficiency information, or other performance information on health care services and health care providers, as defined in section 376.1350, RSMo”**; and

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

Representative Flook offered **House Substitute Amendment No. 1 for House Amendment No. 9.**

*House Substitute Amendment No. 1
for
House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 7, Section 191.1005, Lines 79 - 98, by deleting all of said lines and inserting in lieu thereof the following:

“(18) Any contractual provisions to the contrary notwithstanding, a health carrier that follows the criteria established by the National Committee for Quality Assurance for programs used to compare the quality and cost efficiency of health care providers may use claims and contracted rate data, collected from any health care provider that indirectly or directly receives state funds, to report on cost, quality and efficiency; and”; and

Further amend said bill, Page 15, Section 197.559, Line 9, by inserting after all of said line the following:

“3. Notwithstanding any other provisions of sections 197.550 to 197.586 to the contrary, information obtained under sections 197.550 to 197.586 shall otherwise only be available through court order or lawful subpoena.”; and

Further amend said bill, Page 16, Section 197.571, Lines 1 - 8, by deleting all of said section from the bill; and

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

Representative Frame raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 9** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

Representative Guernsey offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 9**.

*House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 9*

AMEND House Substitute Amendment No. 1 for House Amendment No. 9 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 306, Page 1, Line 8, by inserting after the word “**efficiency**” the following “. **The provisions of this subdivision shall become effective January 1, 2011**”; and

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

On motion of Representative Guernsey, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 9** was adopted.

Representative Ervin offered **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 9**.

Representative Roorda raised a point of order that **House Amendment No. 2 to House Substitute Amendment No. 1 for House Amendment No. 9** goes beyond the scope of the underlying amendment.

The Chair ruled the point of order well taken.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Bivins	Brandom	Brown 30	Brown 149
Bruns	Burlison	Cooper	Cox	Cunningham
Davis	Day	Deeken	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Hoskins 121	Icet	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: 069

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	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schoemehl	Schupp	Shively	Skaggs
Spreng	Still	Storch	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Wildberger	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 007

Denison	El-Amin	Hughes	Jones 89	Meadows
Schieffer	Vogt			

Representative Flook moved that **House Substitute Amendment No. 1 for House Amendment No. 9** be adopted.

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Which motion was defeated by the following vote:

AYES: 040

Bivins	Burnett	Carter	Cox	Davis
Deeken	Dethrow	Dieckhaus	Emery	Ervin
Faith	Flook	Franz	Gatschenberger	Guernsey
Hoskins 80	Kingery	Koenig	LeBlanc	Liese
Lipke	McNary	Molendorp	Nolte	Ruestman
Ruzicka	Sander	Schaaf	Schad	Schlottach
Schoeller	Self	Sutherland	Thomson	Tracy
Wallace	Wilson 119	Wilson 130	Wood	Mr Speaker

NOES: 119

Allen	Atkins	Aull	Biermann	Brandom
Bringer	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Calloway	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cunningham	Curls
Day	Denison	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Englund	Fallert	Fischer 107
Fisher 125	Flanigan	Frame	Funderburk	Grill
Grisamore	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 117	Kander	Keeney	Kelly
Kirkton	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	Leara	LeVota
Loehner	Low	McClanahan	McDonald	McGhee
McNeil	Meiners	Morris	Munzlinger	Nance
Nasheed	Nieves	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Salva	Sater
Scavuzzo	Scharnhorst	Schieffer	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Swinger	Talboy	Tilley	Todd	Viebrock
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wildberger	Witte	Wright
Yaeger	Yates	Zerr	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 004

El-Amin	Jones 89	Meadows	Vogt
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Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

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	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Hoskins 121	Ice
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
McGhee	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	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	Hoskins 80	Hummel
Jones 63	Kander	Kelly	Kirkton	Komo
Kratky	Kuessner	Lampe	LeBlanc	LeVota
Liese	Low	McClanahan	McDonald	McNeil
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	Webb
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 007

El-Amin	Hughes	Jones 89	McNary	Meadows
Vogt	Wallace			

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

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Allen	Bivins	Brandom	Brown 30	Brown 149
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
Hobbs	Hoskins 121	Ice	Jones 89	Keeney
Kingery	Koenig	Kraus	Lair	Largent
Leara	Lipke	Loehner	McGhee	McNary

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Molendorp	Munzlinger	Nance	Nieves	Nolte
Parkinson	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: 065

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

PRESENT: 000

ABSENT WITH LEAVE: 013

Bruns	Corcoran	El-Amin	Fallert	Guest
Hughes	Jones 117	Meadows	Meiners	Parson
Salva	Vogt	Wildberger		

On motion of Representative Ervin, **HCS SS SCS SB 306, as amended**, was adopted.

On motion of Representative Ervin, **HCS SS SCS SB 306, as amended**, was read the third time and passed by the following vote:

AYES: 083

Allen	Brandom	Bringer	Brown 149	Bruns
Chappelle-Nadal	Cooper	Cox	Cunningham	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dugger	Emery	Faith	Fisher 125
Flanigan	Flook	Franz	Funderburk	Gatschenberger
Guest	Hobbs	Hoskins 80	Hoskins 121	Icet
Jones 89	Jones 117	Keeney	Kelly	Kingery
Koenig	Lair	Largent	Leara	Lipke
Loehner	McGhee	McNary	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	Pratt	Riddle	Rucker
Ruestman	Ruzicka	Sander	Sater	Schlottach
Schoeller	Self	Silvey	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Thomson

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

NOES: 077

Atkins	Aull	Biermann	Bivins	Brown 30
Brown 50	Brown 73	Burlison	Burnett	Calloway
Carter	Casey	Colona	Corcoran	Curls
Davis	Dougherty	Dusenberg	Englund	Ervin
Fallert	Fischer 107	Frame	Grill	Grisamore
Guernsey	Harris	Hodges	Holsman	Hughes
Hummel	Jones 63	Kander	Kirkton	Komo
Kratky	Kraus	Kuessner	Lampe	LeBlanc
LeVota	Liese	Low	McClanahan	McDonald
McNeil	Meiners	Morris	Norr	Oxford
Pace	Quinn	Roorda	Salva	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schoemehl
Schupp	Shively	Skaggs	Spreng	Still
Swinger	Talboy	Todd	Walsh	Walton Gray
Webb	Webber	Wildberger	Witte	Yaeger
Yates	Zimmerman			

PRESENT: 000

ABSENT WITH LEAVE: 003

El-Amin	Meadows	Vogt
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Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 136

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	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	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Lair	Largent	Leara
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schad	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Silvey	Smith 14	Smith 150

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Stevenson	Still	Storch	Stream	Sutherland
Swinger	Thomson	Tilley	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wood
Wright	Yaeger	Yates	Zerr	Zimmerman
Mr Speaker				

NOES: 024

Bringer	Burnett	Curls	Frame	Holsman
Hughes	Kuessner	Lampe	LeBlanc	LeVota
Low	Norr	Roorda	Rucker	Schaaf
Scharnhorst	Shively	Skaggs	Spreng	Talboy
Walton Gray	Webb	Webber	Wildberger	

PRESENT: 000

ABSENT WITH LEAVE: 003

El-Amin	Meadows	Vogt
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THIRD READING OF SENATE BILL - INFORMAL

SS SB 291, relating to education, was taken up by Representative Wallace.

Representative Wallace moved that **SS SB 291** be committed to the Committee on Rules.

Representative Roorda made a substitute motion to recommit **SS SB 291** to the committee of origin, the Committee on Elementary and Secondary Education, pursuant to Rule 78.

Which motion was defeated by the following vote:

AYES: 037

Atkins	Brown 73	Burnett	Casey	Colona
Curls	Englund	Fischer 107	Frame	Grill
Holsman	Hughes	Hummel	Jones 63	Kander
Kelly	Kuessner	LeVota	Liese	Low
McClanahan	McDonald	Morris	Nasheed	Norr
Oxford	Quinn	Roorda	Schupp	Skaggs
Still	Talboy	Walton Gray	Webb	Webber
Witte	Zimmerman			

NOES: 121

Allen	Aull	Biermann	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
Ervin	Faith	Fallert	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Hoskins 80	Hoskins 121	Icet	Jones 117	Keeney

Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Lair	Lampe	Largent	Leara
LeBlanc	Lipke	Loehner	McGhee	McNary
McNeil	Meiners	Molendorp	Munzlinger	Nance
Nieves	Nolte	Pace	Parkinson	Parson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Wasson
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Wood	Wright	Yaeger	Yates	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 005

El-Amin	Jones 89	Meadows	Spreng	Vogt
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Representative Wallace again moved that **SS SB 291** be committed to the Committee on Rules.

Which motion was adopted by the following vote:

AYES: 122

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 50	Brown 149	Bruns	Burlison
Calloway	Casey	Colona	Cooper	Corcoran
Cox	Cunningham	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hughes	Icet	Jones 89	Jones 117	Keeney
Kingery	Kirkton	Koenig	Kratky	Kraus
Lair	Lampe	Largent	Leara	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meiners	Molendorp	Munzlinger	Nance
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Riddle	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Stevenson	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yaeger	Yates
Zerr	Mr Speaker			

NOES: 035

Atkins	Brown 30	Brown 73	Burnett	Carter
Chappelle-Nadal	Curls	Davis	Emery	Englund
Frame	Grill	Holsman	Hummel	Jones 63
Kander	Kelly	Komo	Kuessner	LeBlanc
LeVota	Liese	Low	Morris	Nasheed
Oxford	Quinn	Roorda	Schupp	Skaggs
Still	Webb	Webber	Witte	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 006

El-Amin	Meadows	Nieves	Spreng	Talboy
Vogt				

Speaker Pro Tem Pratt resumed the Chair.

THIRD READING OF SENATE BILL

HCS SB 386, relating to political subdivisions, was taken up by Representative Brown (30).

Representative Brown (30) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 386, Section 91.265, Page 31, Lines 6 - 8, by deleting all of said lines and inserting in lieu thereof the following:

"sanitary sewer service to all areas presently located within the boundaries of such city if such utility service is not then being provided"; and

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

On motion of Representative Brown (30), **House Amendment No. 1** was adopted.

Representative Brown (30) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 386, Section 48.030, Page 3, Lines 13 - 26, by deleting all of said lines and inserting in lieu thereof the following:

"4. Notwithstanding the provisions of subsection 1 of this section, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but fewer than thirty-nine thousand inhabitants may become a county of the second classification at any time after the assessed valuation of the county is such as to be a county of the second classification and the governing body of the county elects to change classifications. The effective date of such change of classification shall be at the beginning of the county fiscal year following the election by the governing body of the county.

5. Except as provided in subsection 4 of this section, the change from one classification to another shall become effective at the beginning of the county fiscal year following the next general election after the certification by the state equalizing agency for the required number of successive years that the county possesses an assessed valuation placing it in another class. If a general election is held between the date of the certification and the end of the current

fiscal year, the change of classification shall not become effective until the beginning of the county fiscal year following the next succeeding general election."; and

Further amend said substitute, Section 50.660, Page 8, Line 20, by deleting "**six**" and inserting in lieu thereof "**five**"; and

Further amend said substitute, Section 50.783, Page 8, Lines 13 - 14, by deleting "[three] **six thousand**" and inserting in lieu thereof "three thousand **five hundred**"; and

Further amend said section, page and line, by striking the opening bracket "[" after the word "purchase"; and

Further amend said section, Page 9, Line 15, by deleting all of said line and inserting in lieu thereof "estimated expenditure is five thousand **five hundred** dollars or over, the commission shall also advertise"; and

Further amend said substitute, Section 52.290, Page 9, Line 9, by inserting the following at the end of said line:

"Notwithstanding provisions of law to the contrary, an authorization for collection of a fee for the collection of delinquent and back taxes in a county's charter, at a rate different than the rate allowed by law, shall control."; and

Further amend said substitute, Section 55.030, Page 12, Line 22, by deleting "**one thousand**" and inserting in lieu thereof "**two thousand five hundred**"; and

Further amend said substitute, Section 139.031, Page 48, Line 77, by deleting "8" and inserting in lieu thereof "[8] 7"; and

Further amend said substitute, Section 140.150, Page 50, Lines 13 - 16, by deleting all of said lines and inserting in lieu thereof the following:

"be 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"; and

Further amend said substitute, Section 140.160, Page 51, Line 23, by inserting the following after all of said line:

"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 said substitute, Section 140.420, Page 59, Line 9, by inserting the following after all of said line:

"141.160. 1. The general law relating to taxation and the collection of delinquent taxes, as now existing, shall apply to counties of the first class having a charter form of government insofar as not inconsistent with the provisions of sections 141.010 to 141.160, except that counties of the first class operating under a charter form of government may hereafter elect to operate under the provisions of chapter 140, RSMo, the general law relating to the collection of delinquent taxes, by the enactment of an ordinance by the legislative body of such county.

2. **In addition to any other provisions of law related to delinquent tax collection fees, in all counties having a charter form of government and more than six hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.**

3. The provisions of sections 141.010 to 141.160 shall not apply to counties of the first class not having a charter form of government, and such counties shall operate under the provisions of chapter 140, RSMo."; and

Further amend said substitute, Section 233.103, Page 62, Line 5, by inserting after "**or**" the following:

"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, or"; and

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

On motion of Representative Brown (30), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 386, Section 67.3000, Page 28, Line 7, by inserting the following after all of said line:

"70.657. Notwithstanding the provisions of subsection 7 of section 70.655 to the contrary, in no event shall any redetermination of the annual cost of living allowance result in a reduction to the allowance payable, subject to the provisions of subsection 10 of Section 70.655."; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 386, Section 84.830, Pages 29 - 30, Lines 1 - 60, by deleting all of said section from the bill; and

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

Representative Nolte moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 386, Pages 71 - 74, Section 319.015, Lines 1 - 106, by removing Section 319.015 from said bill.

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

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 386, Section 52.290, Page 9, Line 9, by inserting after all of said line the following:

“In any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, four-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county general fund and three-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo.”; and

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

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

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

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 386, Section 304.287, Page 64, Lines 1 and 3, by deleting "**304.290**" and inserting in lieu thereof "**304.297**"; and

Further amend said bill, section and page, Line 8, by inserting after the word "**agency**" the following "**or contracted with a private vendor that provides said system**"; and

Further amend said section, Page 65, Line 30, by deleting "**light**" and inserting in lieu thereof "**red light camera**"; and

Further amend said section and page, Line 47, by deleting "**front and**"; and

Further amend said section and page, Lines 51 - 56, by deleting all of said lines and inserting in lieu thereof the following:

"4. No agency shall use an automated photo red light enforcement system unless the traffic signal is emitting a steady yellow light signal for a minimum of four seconds.

5. No agency shall use an automated photo red light enforcement system for the purpose of enforcing right turn violations, however nothing shall prohibit a law enforcement officer from stopping a person and issuing a citation for a right turn violation.

6. The automated photo red light enforcement system shall utilize a video recording component which shall record the local time at which the two violation images were captured, as well as at least five seconds before and at least five seconds after the violation event."; and renumbering the remaining sections accordingly; and

Further amend said section and page, Line 59, by deleting "**304.290**" and inserting "**304.297**"; and

Further amend said substitute, Section 304.288, Pages 67 - 68, Lines 1 - 59, by deleting all of said section from the bill and inserting in lieu thereof the following:

"304.288. 1. Before a notice may be issued, all violation images produced by a system shall be reviewed and approved by a law or code enforcement officer employed by the agency in which the alleged violation occurred. Such review and acceptance shall be based on a full review of the images that clearly identify the vehicle and demonstrate a violation.

2. Based on inspection of recorded images produced by a system, a notice of violation or copy of such notice alleging that the violation occurred and signed manually or digitally by a duly authorized agent of the agency shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under sections 304.287 to 304.297.

3. An agency shall mail or cause to be mailed a notice of violation by first class mail to the owner of the motor vehicle, which notice shall include, in addition to the requirements of supreme court rule no. 37:

(1) The name and address of the owner of the vehicle;

(2) The registration number of the motor vehicle involved in the violation;

(3) A copy of the two recorded images and a zoomed image of the vehicle license plate;

(4) Information advising the registered owner of how he or she can review the video, photographic, and recorded images that captured the alleged violation. The agency may provide access to the video and other recorded images through the Internet. If access to the video and other recorded images is provided through the Internet, the agency shall ensure that such video and recorded images are accessible only to the registered owner through a password-protected system;

(5) A manually or digitally signed statement by a law or code enforcement officer employed by the agency that, based on inspection of the two recorded images and video sequence, the motor vehicle was operated in violation of a traffic control device or prevailing traffic laws or statutes;

(6) Information advising the registered owner of the manner, time, and place in which liability as alleged in the notice of violation may be contested, and warning that failure to pay the penalty or to contest liability within fourteen days from the mailing of notice is an admission of liability; and

(7) Information advising the registered owner that he or she may file an affidavit under subsection 9 of this section stating that he or she was not the operator of the vehicle at the time of the violation.

4. A penalty imposed for a violation detected pursuant to an automated photo red light enforcement system shall not be deemed a moving violation and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall such imposition of a penalty be subject to a merit rating for insurance purposes and no surcharge points shall be imposed in the provision of motor vehicle insurance coverage.

5. In no case shall points be assessed against any person under section 302.302, RSMo, for a violation detected by an automated photo red light enforcement system.

6. An employee of the applicable law enforcement office shall review the photographic or video evidence from an automated photo red light enforcement system and make a determination as to whether a violation has occurred. If a determination is made that a violation has occurred, a notice of violation or a citation shall be sent by first class mail to the registered owner of the vehicle that was captured by the automated photo red light enforcement system. A notice of violation or citation shall allow for payment of the traffic violation or citation within thirty days of the mailing of the notice. No additional penalty or other costs shall be assessed for

nonpayment of a traffic violation or citation that is based solely on evidence obtained from an automated photo red light enforcement system installed to enforce or monitor traffic violations, unless a second notice is sent by first class mail to the registered owner of the motor vehicle and the second notice provides for an additional thirty days for payment of the violation or citation.

7. The following vehicles are exempt from receiving a notice of violation:

- (1) Emergency vehicles with active emergency lights;
- (2) Vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle;
- (3) Vehicles under police escort; and
- (4) Vehicles in a funeral procession.

8. A fine collected by the agency issuing the violation shall not exceed seventy-five dollars.

9. Payment of the established fine and any applicable civil penalties shall operate as a final disposition of the case. Payment of the fine and any penalties, whether before or after hearing, by one motor vehicle owner shall be satisfaction of the fine as to all other motor vehicle owners of the same motor vehicle for the same violation.

10. In the prosecution of a steady red signal indication violation under sections 304.287 to 304.297, the agency shall have the burden of proving that the vehicle described in the notice of violation issued under this section was operated in violation of sections 304.287 to 304.297 and that the defendant was at the time of such violation the owner of such vehicle. The agency shall not enter into any plea-bargaining agreements in relation to any violation occurring under sections 304.287 to 304.297."; and

Further amend said substitute, Section 304.290, Page 69, Line 7, by inserting the following after all of said line:

"304.295. Any county or municipal ordinance providing for the use of an automated photo red light enforcement system for enforcement in administrative quasi-judicial or judicial county or municipal proceedings conducted under sections 304.287 to 304.290, which ordinance and penalties were adopted prior to the effective date of this act, is hereby validated, approved, ratified, and confirmed, so that any red light violation found and all fines, penalties, fees, and costs collected pursuant to said ordinance during that period of time shall be valid and fully enforceable.

304.297. The provisions of sections 304.287 to 304.290 known as the "Missouri Universal Red Light Enforcement Act" (MURLE) shall not apply to any automated photo red light enforcement system in place prior to the effective date of sections 304.287 to 304.290 until the end of the primary term of such contract and any extension thereto."; and

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

On motion of Representative Yates, **House Amendment No. 7** was adopted.

Representative Jones (89) offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 386, Section 3, Page 86, by inserting after all of said section the following:

"Section 4. All public advertisements and orders of publication required by law to be made, including but not limited to bids for contracts or purchases by counties described in section 50.060, RSMo, amendments to the Missouri Constitution, legal publications affecting all sales of real estate under a power of sale contained in any mortgage or deed of trust, and other legal publications affecting the title to real estate shall be published in a newspaper of general circulation, qualified under the provisions of section 493.050, RSMo, and persons responsible for orders of publication described in sections 443.310 and 443.320, RSMo, shall be subject to the prohibitions in sections 493.130 and 493.140, RSMo."; and

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

On motion of Representative Jones (89), **House Amendment No. 8** was adopted.

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

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 386, Section 67.456, Pages 20-21, Lines 1-21, by deleting all of said section, pages and lines, and inserting in lieu thereof the following:

"67.456. 1. The average maturity of bonds or notes issued under the neighborhood improvement district act after August 28, 2004, shall not exceed one hundred twenty percent of the average economic life of the improvements for which the bonds or notes are issued.

2. Any improvement for which a petition is filed or an election is held under section 67.457 after August 28, 2004, including improvements to or located on property owned by a city or county, shall include provisions for maintenance of the project during the term of the bonds or notes.

3. In the event that, after August 28, 2004, any parcel of property within the neighborhood improvement district is divided into more than one parcel of property after the final costs of the improvement are assessed, all unpaid final costs of the improvement assessed to the original parcel that was divided [shall be recalculated and] **may, within sixty days after recordation of proof of division of such parcel in the real property records of the county or city not within a county where the district is located, be reallocated effective as of the next ensuing January first following such division, but only as to the newly created parcels, by the city or county that formed the district. Such reallocation shall be in accordance with the method for assessment of the original parcel set forth in the ballot question or petition related to the formation of the district described in section 67.457, with such amounts to be certified to the county clerk and county collector, or the equivalent officers in a city not within a county, and which amounts shall be used for reassessment of the newly created parcels. If the city or county that formed the district does not reallocate the assessments on the newly created parcels in accordance with the original method of assessment and certify such information to the county clerk and county collector, or the equivalent officers in a city not within a county, within sixty days of recordation of proof of the division of the original parcel, the unpaid cost of the improvements assessed to the original parcel that was divided shall be reassessed proportionally to each of the parcels resulting from the division of the original parcel, based on the assessed valuation of each resulting parcel. No parcel of property which has had the assessment against it paid in full by the property owner shall be reassessed under this section. No parcel of property shall have the initial assessment against it changed, except for any changes for special, supplemental, or additional assessments authorized under the state neighborhood improvement district act.**

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative **or representatives**; for business organizations and other entities, the owner shall be deemed to be the individual **or individuals** which [is] **are** legally authorized to represent the entity in regard to the district; **in the case of real property owned by individuals or entities as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall be considered one owner collectively for purposes of any vote cast or petition executed**;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with respect to a condominium created under sections 448.1-101 to 448.4-120, RSMo, "per capita" means one head count applied to the applicable unit owners' association and not to each unit owner;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the [tax] **real estate** records [for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county] **of the recorder of deeds where the district is located**, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the [tax] **real estate** records [for real property of the county clerk] **of the recorder of deeds where the district is located** as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board[,];

a. Registered voters [and]; **or**

b. If no registered voters reside in the district, the owners of one or more parcels of real property [which is not exempt from assessment or levy of taxes by the district and which is] located within the district per the [tax] real estate records [for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county] of the recorder of deeds where the district is located, of the thirtieth day prior to the date of the applicable election; and

(d) Provided that, for the purposes of any election, each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an applicable mechanism for action for such voter. If a voter has no such mechanism, then its vote shall be cast by agreement of such individuals or entities as would be required under applicable law to convey by deed the entire parcel of property owned;

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.

2. A petition is proper if, based on the [tax] **real estate** records of the [county clerk, or the collector of revenue if the district is located in a city not within a county] **recorder of deeds where the district is located**, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value, **as reflected by the tax records of the county where the proposed district is located**, of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not for profit corporation and if it is to be a not for profit corporation, the name of the not for profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the **qualified voters in the** district or whether the board will be appointed by the municipality, and, if the board is to be elected by the **qualified voters in the** district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value, **as reflected by the tax records of the county where the proposed district is located**, of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner:

Owner's telephone number and mailing address:

If signer is different from owner:

Name of signer: State basis of legal authority to sign:

Signer's telephone number and mailing address:

If the owner is an individual, state if owner is single or married:

If owner is not an individual, state what type of entity:

Map and parcel number and assessed value of each tract of real property within the proposed district owned:

.

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above.

.

Signature of person signing for owner Date

STATE OF MISSOURI)

) ss.

COUNTY OF)

Before me personally appeared, to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this day of (month), (year).

.

Notary Public

My Commission Expires:

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. After the close of the public hearing required pursuant to subsection 1 of this section, the governing body of the municipality may adopt an ordinance approving the petition and establishing a district as set forth in the petition and may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area.

5. Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the [tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county] **real estate records of the recorder of deeds where the district is located as of a date no earlier than thirty days prior to the mailing.** Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

(1) At least eighteen years of age; and

(2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) A registered voter residing within the district; and

(3) Any other qualifications set forth in the petition establishing the district. If there are fewer than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district **or of any of the businesses operating within the district.**

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

(2) The election shall be conducted in the same manner as provided for in section 67.1551, provided that the published notice of the election shall contain the information required by section 67.1551 for published notices, except that it shall state that the purpose of the election is for the election of directors, in lieu of the information related to taxes;

(3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than the second Tuesday after the effective date of the ordinance establishing the district with the municipal clerk a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(4) The director or directors to be elected shall be elected at large. The person receiving the most votes shall be elected to the position having the longest term; the person receiving the second highest votes shall be elected to the position having the next longest term and so forth. For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected. For any district formed on or after August 28, 2003, for the initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of directors are elected, the director receiving the least number of votes shall serve for a two-year term, until such director's successor is elected, **provided that if the terms of directors cannot be divided in accordance with this section because such directors received the same number of votes, the directors serving two- and four-year terms shall be designated either:**

(a) **By a majority vote of directors at the first meeting thereof; or**

(b) **If not determined under paragraph (a) of this subdivision, then thereafter by lot conducted by the election authority, after notification to the candidates of the time and place of such drawing;**

(5) Successor directors shall be elected in the same manner as the initial directors. The date of the election of successor directors shall be specified by the municipal clerk which date shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the expiring director. **If no registered voters reside in the district, then in lieu of the election referenced in this subsection, successor directors may be elected by the qualified voters at a meeting of the qualified voters called by the board for such purpose. For the purposes of such meeting, qualified voters may participate and vote by proxy or in any manner permitted by chapter 610, RSMo. If a qualified voter is participating in the meeting by proxy, the proxy shall be granted in writing and filed with the board of directors of the district at the meeting. At any such meeting, attendance by qualified voters owning in the aggregate more than fifty percent of the total acreage owned by qualified voters shall constitute a quorum. Each qualified voter shall be entitled to one vote per acre, prorated to the nearest one-tenth of an acre.** Each successor director shall serve a term for the length specified prior to the election by the **qualified voters of the district**, which term shall be at least three years and not more than four years, and shall continue until such director's successor is elected. In the event of a vacancy on the board of directors, the remaining directors shall elect an interim director to fill the vacancy for the unexpired term.

5. If the petition provides that the board is to be appointed by the municipality, such appointments shall be made by the chief elected officer of the municipality with the consent of the governing body of the municipality. For any district formed prior to August 28, 2003, of the initial appointed directors, one-half of the directors shall be appointed to serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year term until such director's successor is appointed; provided that, if there is an odd number of directors, the last person appointed shall serve a two-year term. For any district formed on or after August 28, 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term, and one-half shall be appointed to serve for the term specified by the district for successor directors pursuant to this subsection, and if an odd number of directors are appointed, the last person appointed shall serve for a two-year term; provided that each director shall serve until such director's successor is appointed. Successor directors shall be appointed in the same manner as the initial directors and shall serve for a term of years specified by the district prior to the appointment, which term shall be at least three years and not more than four years.

6. If the petition states the names of the initial directors, those directors shall serve for the terms specified in the petition and successor directors shall be determined either by the above-listed election process or appointment process as provided in the petition.

7. Any director may be removed for cause by a two-thirds affirmative vote of the directors of the board. Written notice of the proposed removal shall be given to all directors prior to action thereon.

8. The board is authorized to act on behalf of the district, subject to approval of qualified voters as required in this section; except that, all official acts of the board shall be by written resolution approved by the board.

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

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

(2) To sue and be sued;

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

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

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

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

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

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

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

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

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

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

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

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

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

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

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

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

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

(a) Pedestrian or shopping malls and plazas;

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

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

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

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

(f) Lakes, dams, and waterways;

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

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

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

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

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

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

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

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

(20) **To acquire, operate, or to contract for the provision of buses, minibuses, or other modes of transportation;**

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

[(21) Within its boundaries,] **(22)** To provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons **within the boundaries of the district;**

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

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

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

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

[(26)] **(27)** To provide refuse collection and disposal services within the district;

[(27)] **(28)** To contract for or conduct economic, planning, marketing or other studies;

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

and

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

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

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

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

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

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

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

67.1521. 1. A district may levy by resolution one or more special assessments against real property within its boundaries, upon receipt of and in accordance with a petition signed by:

(1) Owners of real property collectively owning more than fifty percent by assessed value of real property within the boundaries of the district **which is to be subject to special assessments;** and

(2) More than fifty percent per capita of the owners of all real property within the boundaries of the district **which is to be subject to special assessments.**

2. The special assessment petition shall be in substantially the following form:

The (insert name of district) Community Improvement District ("District") shall be authorized to levy special assessments against real property benefited within the District for the purpose of providing revenue for (insert general description of specific service and/or projects) in the district, such special assessments to be levied against each tract, lot or parcel of real property listed below within the district which receives special benefit as a result of such service and/or projects, the cost of which shall be allocated among this property by (insert method of allocation, e.g., per square foot of property, per square foot on each square foot of improvement, or by abutting foot of property abutting streets, roads, highways, parks or other improvements, or any other reasonable method) in an amount not to exceed dollars per (insert unit of measure). Such authorization to levy the special assessment shall expire on (insert date). The tracts of land located in the district which will receive special benefit from this service and/or projects are: (list of properties by common addresses and legal descriptions).

3. The method for allocating such special assessments set forth in the petition may be any reasonable method which results in imposing assessments upon real property benefited in relation to the benefit conferred upon each respective tract, lot or parcel of real property and the cost to provide such benefit.

4. By resolution of the board, the district may levy a special assessment rate lower than the rate ceiling set forth in the petition authorizing the special assessment and may increase such lowered special assessment rate to a level not exceeding the special assessment rate ceiling set forth in the petition without further approval of the real property owners; provided that a district imposing a special assessment pursuant to this section may not repeal or amend such special assessment or lower the rate of such special assessment if such repeal, amendment or lower rate will impair the district's ability to pay any liabilities that it has incurred, money that it has borrowed or obligations that it has issued.

5. Each special assessment which is due and owing shall constitute a perpetual lien against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed in the same manner as any other special assessment lien as provided in section 88.861, RSMo.

6. A separate fund or account shall be created by the district for each special assessment levied and each fund or account shall be identifiable by a suitable title. The proceeds of such assessments shall be credited to such fund or account. Such fund or account shall be used solely to pay the costs incurred in undertaking the specified service or project.

7. Upon completion of the specified service or project or both, the balance remaining in the fund or account established for such specified service or project or both shall be returned or credited against the amount of the original assessment of each parcel of property pro rata based on the method of assessment of such special assessment.

8. Any funds in a fund or account created pursuant to this section which are not needed for current expenditures may be invested by the board in accordance with applicable laws relating to the investment of funds of the city in which the district is located.

9. The authority of the district to levy special assessments shall be independent of the limitations and authorities of the municipality in which it is located; specifically, the provisions of section 88.812, RSMo, shall not apply to any district.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to or by public utilities and providers of communications, cable, or video services. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by [mail-in ballot,] **any method specified in subsection 3 or 11 of this section**, a proposal to authorize a sales and use tax pursuant to this section. **In the case of an election**, if a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted[.], **and** if a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.

2. The ballot shall be substantially in the following form:

Shall the (insert name of district) Community Improvement District impose a community improvement districtwide sales and use tax at the maximum 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 providing revenue for (insert general description of the 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".

3. Upon passage of the resolution described in subsection 1 of this section, in lieu of the election referenced in subsection 1 of this section, if no registered voters reside within the district, one hundred percent of the owners of real property in the district, according to real estate records of the recorder of deeds where the district is located as of the date of the submission of the petition to the board of directors of such district as described in this subsection, may authorize a sales and use tax by unanimous petition. Such petition shall state that the undersigned approve the resolution of the board imposing the sales tax. The signature block for each owner signing the petition shall be in substantially the form set forth in subdivision (4) of subsection 2 of section 67.1421 and shall contain the same information. Such petition shall be submitted to the board of directors of the district who shall verify that no registered voters reside within the district and the signatures thereon represent one hundred percent of the owners of real property in the district. The results of such verification shall be entered

into the records of the district, and the date of such entry shall be equivalent of the date of the election held under subsection 1 of this section.

4. Within ten days after the qualified voters have approved the imposition of the sales and use tax, **or within ten days after district verification as provided in subsection 3 of this section**, the district shall, in accordance with section 32.087, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.

[4.] 5. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.

[5.] 6. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and when so added such tax shall constitute a part of the purchase 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.

[6.] 7. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.

[7.] 8. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

[8.] 9. All revenue received by the district from a sales and use tax imposed pursuant to this section which is designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.

[9.] 10. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.

[10.] 11. Notwithstanding the provisions of [chapter 115, RSMo, an election for a district sales and use tax under this section shall be conducted in accordance with the provisions of this section] **sections 115.001 to 115.641, RSMo, the district may elect to proceed with the election under the provisions of sections 115.001 to 115.646, RSMo, or sections 115.650 to 115.660, RSMo, whether or not registered voters reside within the district.**

67.1551. 1. Notwithstanding the provisions of chapter 115, RSMo, an election for real estate tax pursuant to sections 67.1401 to 67.1571 shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution for the levy of real property tax and a vote of the qualified voters is required, the board shall provide written notice of such resolution to the election authority. The board shall be entitled to rescind such resolution provided that written notice of such rescission is delivered to the election authority prior to the time the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a district's resolution for the levy of a real property tax the election authority shall:

(1) Specify a date upon which the election shall occur which date shall be a Tuesday, and shall be not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date of the board's passage of the resolution and shall not be on the same day as an election conducted pursuant to the provisions of chapter 115, RSMo;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be more than sixty days prior to the date of the election and the second publication date shall be not more than thirty days and not less than ten days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

- (a) The name and general boundaries of the district;
- (b) The type of tax proposed, its rate, purpose and duration;
- (c) The date the ballots for the election shall be mailed to qualified voters;
- (d) The date of the election;
- (e) Qualified voters will consist of:

a. Such persons who reside within the district and who are registered voters pursuant to the records of the election authority as of the thirtieth day prior to the date of the election; or

b. If no such registered voters reside in the district, the owners of real property located within the district [pursuant to the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county] **per the real estate records of the recorder of deeds where the district is located**, for real property as of the thirtieth day prior to the date of the election;

(f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;

(g) A statement that the ballot must be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election together with a notice containing substantially the same information as the published notice and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature. For purposes of mailing ballots to real property owners only one ballot shall be mailed per capita at the address shown on the records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such affidavit shall be in substantially the following form: FOR REGISTERED VOTERS:

I hereby declare under penalties of perjury that I reside in the (insert name) Community Improvement District and I am a registered voter and qualified to vote in this election.

.....
Qualified Voter's Signature

.....
Printed Name of Qualified Voter

FOR REAL PROPERTY OWNERS:

I hereby declare under penalty of perjury that I am the owner of real property in the (insert name) Community Improvement District and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the (insert name) Community Improvement District which is qualified to vote in this election.

.....
Signature

.....
Print Name of Real Property Owner

If Signer is Different from Owner:

Name of Signer: State Basis of Legal Authority to Sign: All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the municipal clerk from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the election authority and a certified copy of the election results shall be filed with the municipal clerk, who shall cause the same to be entered upon the records of the municipal clerk.

7. The district shall reimburse the election authority for the costs it incurs to conduct an election under this section."; and

Further amend said Substitute, Section 99.710, Page 32, Line 4, by inserting the following after all of said line:

"99.865. 1. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of each redevelopment plan and redevelopment project, and shall submit a copy of such report to the director of the department of economic development. The report shall include the following:

- (1) The amount and source of revenue in the special allocation fund;
- (2) The amount and purpose of expenditures from the special allocation fund;
- (3) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
- (4) The original assessed value of the redevelopment project;
- (5) The assessed valuation added to the redevelopment project;
- (6) Payments made in lieu of taxes received and expended;
- (7) The economic activity taxes generated within the redevelopment area in the calendar year prior to the approval of the redevelopment plan, to include a separate entry for the state sales tax revenue base for the redevelopment area or the state income tax withheld by employers on behalf of existing employees in the redevelopment area prior to the redevelopment plan;
- (8) The economic activity taxes generated within the redevelopment area after the approval of the redevelopment plan, to include a separate entry for the increase in state sales tax revenues for the redevelopment area or the increase in state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
- (9) Reports on contracts made incident to the implementation and furtherance of a redevelopment plan or project;
- (10) A copy of any redevelopment plan, which shall include the required findings and cost-benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;
- (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired or remodeled;
- (12) The number of parcels acquired by or through initiation of eminent domain proceedings; and
- (13) Any additional information the municipality deems necessary.

2. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of section 99.845 shall be deemed a public record, as defined in section 610.010, RSMo. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects therein, amount of outstanding bonded indebtedness and any additional information the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

3. Five years after the establishment of a redevelopment plan and every five years thereafter the governing body shall hold a public hearing regarding those redevelopment plans and projects created pursuant to sections 99.800 to 99.865. The purpose of the hearing shall be to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the commission once each week for four weeks immediately prior to the hearing.

4. The director of the department of economic development shall submit a report to the **state auditor, the speaker of the house of representatives and the president pro tem of the senate** no later than February first of each year. The report shall contain a summary of all information received by the director pursuant to this section.

5. For the purpose of coordinating all tax increment financing projects using new state revenues, the director of the department of economic development may promulgate rules and regulations to ensure compliance with this section. Such rules and regulations may include methods for enumerating all of the municipalities which have established commissions pursuant to section 99.820. No rule or portion of a rule promulgated under the authority of sections 99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The department of economic development shall provide information and technical assistance, as requested by any municipality, on the requirements of sections 99.800 to 99.865. Such information and technical assistance shall

be provided in the form of a manual, written in an easy-to-follow manner, and through consultations with departmental staff.

7. Any municipality which fails to comply with the reporting requirements provided in this section shall be prohibited from implementing any new tax increment finance project for a period of no less than five years from such municipality's failure to comply.

8. Based upon the information provided in the reports required under the provisions of this section, the state auditor shall make available for public inspection on the auditor's web site, a searchable electronic database of such municipal tax increment finance reports. All information contained within such database shall be maintained for a period of no less than ten years from initial posting."; and

Further amend said substitute, Section 99.1092, Page 42, Line 51, by inserting the following after all of said line:

"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 fifty dollars per day."; and

Further amend said substitute, Section 233.103, Page 63, Line 9, by inserting the following after all of said line:

"238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

(1) "Board", the board of directors of a district;

(2) "Commission", the Missouri highways and transportation commission;

(3) "District", a transportation development district organized under sections 238.200 to 238.275;

(4) "Local transportation authority", a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) "Owner", the individual or individuals or entity or entities who own a fee interest in real property that is located within the district or their legally authorized representative or representatives; in the case of real property owned by individuals or entities as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall be considered one owner collectively for purposes of any vote cast or petition executed;

(6) "Project" includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of sections 11©), 16 and 22 of article X of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

(1) "Approval of the required majority" or "direct voter approval", a simple majority;

(2) "Qualified electors", "qualified voters" or "voters":

(a) Within a proposed or established district, [except for a district proposed under subsection 1 of section 238.207,] any persons residing therein who have registered to vote pursuant to chapter 115, RSMo; or

(b) [Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, RSMo] **If no persons registered to vote under chapter 115, RSMo, reside within the proposed or established district, the owners of record of all real property located in the proposed or established district, who shall receive one vote per acre owned, prorated to the nearest one-tenth of an acre** [, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed]; **or**

(c) Within a district proposed or established under subsection 6 of section 238.207, any persons residing therein who have registered to vote under chapter 115, RSMo, and the owners of record of all real property located in the proposed or established district, who shall each receive one vote; provided that any registered voter who also owns property in the proposed or established district must elect at each election whether to vote as an owner or a registered voter and may not receive more than one vote;

(3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115, RSMo.

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.

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.

6. Notwithstanding other provisions of this section to the contrary, in any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants, the owners of record of a majority by acreage of the real property, except public streets, located within the proposed district may file a petition in the circuit court of that county requesting the creation of a district. The petition shall set forth:

(1) For each owner of record of real property located within the proposed district, the name, address, and acreage of real property owned within the proposed district;

(2) The total acreage of real property located within the proposed district;

(3) 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;

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

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

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

(7) The name of the proposed district;

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

(9) 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;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.280, 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.

238.208. 1. The owners of property adjacent to a transportation district formed under the Missouri transportation development district act may petition the court by unanimous petition to add their property to the district. If the property owners within the transportation development district unanimously approve of the addition of property, the adjacent properties in the petition shall be added to the district. [Any property added under this section shall be subject to all projects, taxes, and special assessments in effect as of the date of the court order adding the property to the district. The owners of the added property shall be allowed to vote at the next election scheduled for the district to fill vacancies on the board and on any other question submitted to them by the board under this chapter. The owners of property added under this section shall have one vote per acre in the same manner as provided in subdivision (2) of subsection 2 of section 238.220.]

2. (1) As an alternative to the method described in subsection 1 of this section, at any time during the existence of a district, the board of directors of such district may pass a resolution to add property to the district's boundaries; provided that:

(a) A verified petition signed by all of the qualified voters within the area proposed to be added to the district requesting the additional property be added to the boundaries of the district is filed with the board of directors. The petition shall include a notice that the signatures of the owners may not be withdrawn later than seven days after the petition is filed with the district; and

(b) The board of directors of the district holds a public hearing concerning the matter not less than fourteen and not more than sixty days after the verified petition is received and gives notice of the public hearing by publication in a newspaper of general circulation within the district once a week for two consecutive weeks prior to the week of the public hearing and registered or certified United States mail with a return receipt attached to all of the qualified voters within the area proposed to be added to the district not less than fifteen days prior to the public hearing. The published and mailed notices shall include the following:

a. The date, time, and place of the public hearing;

b. A statement that a petition to amend the boundaries of the district has been filed with the board of directors of the district;

c. A specific description of the property to be added to the district's boundaries and a map illustrating the proposed boundaries;

d. A statement that a copy of the petition is available for review at the principal office of the district during regular business hours; and

e. A statement that all interested persons shall be given an opportunity to be heard at the public hearing and may submit written objections to the proposed amendment to the district's boundaries which shall be fairly and duly considered by the board of directors;

(c) The board of directors of the district finds that:

a. The amended district boundaries meet the requirements of subsection 3 of section 238.207;

b. Any funding mechanism currently in effect within the district shall extend to the additional property;

c. The district shall not be an undue burden on any owner of property within the district; and

d. The amendment to the district's boundaries is not unjust or unreasonable; and

(d) No written objection to the proposed amendment to the district's boundaries signed by at least ten percent of the qualified voters of the district is filed with the board of directors of the district within seven days after the close of the public hearing.

(2) If a written objection to the proposed amendment to the district's boundaries signed by at least ten percent of the qualified voters of the district is filed with the board of directors of the district within seven days after the close of the public hearing, the board of directors shall submit the question whether to amend the district's boundaries to the qualified voters within the proposed limits of the district. If the question is approved by the majority of qualified voters within the proposed limits of the district, the board of directors shall extend the district's boundaries by resolution.

(3) Any resolution passed by the board of directors of a district under this subsection shall include a specific description of the district's new boundary and the funding mechanisms currently in effect within the district.

(4) Upon passage of a resolution under this subsection, the district shall file a certified copy of the resolution and the verified petition with the circuit court of the county in which the petition creating the district was filed and request that the court enter its judgment that the district's boundaries be amended. The court shall hear the case without a jury. If the resolution is not defective, the proposed amendment to the district's boundary is not illegal, unconstitutional, unjust, or unreasonable and the district is not an undue burden on any owner of property within the district, the court shall enter its judgment to that effect.

(5) The district shall also cause a certified copy of the resolution to be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.

3. Any property added to a district under subsection 1 or 2 of this section shall be subject to all funding mechanisms, projects, and obligations of the district as of the date of the court order adding the property to the district. The owners of the added property shall have the same rights as any existing property owner within the district.

4. The owners of all of the property located in a transportation development district formed under this chapter may, by unanimous petition filed with the board of directors of the district, remove any property from the district, so long as such removal will not materially affect any obligations of the district.

238.210. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident, taxpayer, any other entity, or any local transportation authority within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by a governing body, or by no less than fifty registered voters of two or more counties, pursuant to subsection 5 of section 238.207 or pursuant to subsection 6 of section 238.207, the court shall then certify the single question regarding district creation, project development, and proposed funding for voter approval. If the petition was filed by the owners of record of all of the real property located within the proposed district, the court shall declare the district organized and certify the funding methods stated in the petition for qualified voter approval; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230. In either case, if no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals. The circuit court shall have continuing jurisdiction to enter such orders as are required for the administration of the district after its formation.

238.212. 1. If the petition was filed by registered voters, [or] by a governing body **or pursuant to subsection 6 of section 238.207**, 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. 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.

238.215. 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.216.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the "..... Transportation Development District" for the purpose of developing the following transportation project: (here summarize the proposed project or projects and require each voter to approve or disapprove of each project) and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each proposed funding method)?

3. (1) If the petition was filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207** and the district desires to impose a sales tax as the only proposed funding mechanism, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a transportation development district, to be known as the "..... Transportation Development District" for the purpose of developing the following transportation project: (here summarize the proposed project or projects) and be authorized to 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 funding the transportation project or projects?

(2) If the petition was filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207** and the district desires to impose a funding mechanism other than a sales tax, at such election for voter approval of the qualified voters, the question shall be submitted in substantially the form set forth in subsection 2 of this section and the proposed funding mechanism shall require separate voter approval at a subsequent election.

4. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion

of the proposed district lies, who shall cause the same to be spread upon the records of the county commission. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized and certify the funding methods approved by the qualified voters. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

5. Notwithstanding the foregoing, if the election was held pursuant to subsection 3 of this section, the results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies. If the results show that a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court having jurisdiction of the matter shall declare the district organized and the funding methods approved by the qualified voters to be in effect. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the proposition, the circuit court shall declare that the question has failed to pass. A new petition shall be filed pursuant to subsection 5 of section 238.207 **or pursuant to subsection 6 of section 238.207, as applicable**, prior to the question being again submitted for voter approval.

238.216. 1. Except as otherwise provided in section 238.220 with respect to the election of directors, in order to call any election required or allowed under sections 238.200 to 238.275, the circuit court shall:

(1) Order the county clerk to cause the questions to appear on the ballot on the next regularly scheduled general, primary or special election day, which date shall be the same in each county or portion of a county included within and voting upon the proposed district;

(2) If the election is to be a mail-in election, specify a date on which ballots for the election shall be mailed, which date shall be a Tuesday, and shall be not earlier than the eighth Tuesday from the issuance of the order, and shall not be on the same day as an election conducted under the provisions of chapter 115, RSMo; or

(3) If all the owners of property in the district joined in the petition for formation of the district, such owners may cast their ballot by unanimous verified petition approving any measure submitted to them as voters pursuant to this chapter. Each owner shall receive one vote per acre owned, **prorated to the nearest one-tenth of an acre**. [Fractional votes shall be allowed.] The verified petition shall be filed with the circuit court clerk. The filing of a unanimous petition shall constitute an election under sections 238.200 to 238.275 and the results of said election shall be entered pursuant to subsection 6 of this section.

2. Application for a ballot shall be conducted as follows:

(1) Only qualified voters shall be entitled to apply for a ballot;

(2) Such persons shall apply with the clerk of the circuit court in which the petition was filed;

(3) Each person applying shall provide:

(a) Such person's name, address, mailing address, and phone number;

(b) An authorized signature; and

(c) Evidence that such person is entitled to vote. Such evidence shall be:

a. For resident individuals, proof of registration from the election authority;

b. For owners of real property, a tax receipt or deed or other document which evidences ownership, and identifies the real property by location;

(4) No person shall apply later than the fourth Tuesday before the date for mailing ballots specified in the circuit court's order.

3. If the election is to be a mail-in election, the circuit court shall mail a ballot to each qualified voter who applied for a ballot pursuant to subsection 2 of this section along with a return addressed envelope directed to the circuit court clerk's office with a sworn affidavit on the reverse side of such envelope for the voter's signature. Such affidavit shall be in the following form:

I hereby declare under penalties of perjury that I am qualified to vote, or to affix my authorized signature in the name of an entity which is entitled to vote, in this election.

Subscribed and sworn to before me this day of....., 20.....

Authorized Signature

..... Printed Name of Voter

Signature of notary or other officer authorized to administer oaths.

.....

Mailing Address of Voter

(if different)

4. Except as otherwise provided in subsection 2 of section 238.220, with respect to the election of directors, each qualified voter shall have one vote, unless the qualified voters are property owners under subdivision (2) of subsection 2 of section 238.202, in which case they shall receive one vote per acre, **prorated to the nearest one-tenth of an acre**. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an [appropriate] **applicable** mechanism for [the determination of the entity's vote] **action for such voter**. If a voter has no such mechanism, then its vote shall be cast [as determined by a majority of the persons who run the day-to-day affairs of the voter] **by agreement of such individuals or entities as would be required under applicable law to convey by deed the entire parcel of property owned**. Each voted ballot shall be signed with the authorized signature.

5. Mail-in voted ballots shall be returned to the circuit court clerk's office by mail or hand delivery no later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots as set forth in the circuit court's order. The circuit court's clerk shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the circuit court from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the circuit court. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) [Each director shall be a resident of the district.] Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication[. For the purposes of determining board membership, the owner or owners of real property within the district and their legally authorized representative or representatives shall be deemed to be residents of the district; for business organizations and other entities owning real property within the district, the individual or individuals legally authorized to represent the business organizations or entities in regard to the district shall be deemed to be a resident of the district];

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned [by such person within the district], **prorated to the nearest one-tenth of an acre**;

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification;

(4) Directors shall be at least twenty-one years of age.

3. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:

(1) If the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age [and a resident or property owner of the local transportation authority the director represents]. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

4. **Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 6 of section 238.207, the following procedures shall be followed:**

(1) If the district is comprised of one affected local transportation authority, the board of directors shall consist of three directors designated by the governing body of the affected local transportation authority within the district. If the district is comprised of two affected local transportation authorities, the board of directors shall consist of four directors, two directors designated by the governing body of each affected local transportation authority within the district. If the district is comprised of three or more affected local transportation authorities, the board of directors shall consist of one person designated by the governing body of each affected local transportation authority within the district. Each director shall serve a three-year term. Successor directors shall be designated in the same manner as the initial directors and shall serve three-year terms.

(2) Each director shall be at least twenty-one years of age. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

5. The commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.

[5.] 6. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights as advisors appointed by the commission.

[6.] 7. Any county or counties located wholly or partially within the district which is not a local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission.

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 **or subsection 6 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 **designated by the board of directors of the transportation development district** 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] **department of revenue**.

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 sales 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 by the transportation development district shall be deposited by the transportation development district in a special fund to be expended for the purposes authorized in this section. The transportation development district 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.] **All sales taxes collected by the director of revenue pursuant to this section on behalf of any transportation development district, less one percent for the 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 the state treasury to the credit of the "Transportation Development District Sales Tax Fund". Moneys in the transportation development district sales tax fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. All interest earned upon the balance in the transportation development district sales tax fund shall be deposited to the credit of the same fund. Any balance in the fund at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. The director of revenue shall keep accurate records of the amount of money which was collected in each transportation development district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in such fund during the preceding month to the proper transportation development district.**

6. The director of revenue may authorize the state treasurer to make refunds from the amounts credited to any transportation development district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any transportation development district repeals the tax authorized by this section, the transportation development district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may

order retention, 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 such 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 repeal of the tax authorized by this section in such transportation development district, the director of revenue shall remit the balance in the account to the transportation development district and close the account of that transportation development district. The director of revenue shall notify each transportation development district of each instance of any amount refunded or any check redeemed from receipts due the transportation development district.

[6.] 7. (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.

238.257. 1. At any time during the existence of a district, the board may submit to the voters of the district a proposition to increase [or decrease] the number of projects which it is authorized to complete.

2. If the board proposes to add one or more additional projects, the question shall be submitted in substantially the following form:

Shall the Transportation Development District fund or develop the following additional transportation project (or projects): (summarize the proposed project or projects), and have the power to fund the proposed project upon separate voter approval by any or all of the following methods: (here specifically describe the proposed funding methods and require each voter to approve or disapprove of each proposed funding method)?

3. If the board proposes to **decrease the number of projects or** discontinue a project, **it may do so by majority vote of the board provided that** it shall first obtain approval from the commission if the proposed project is intended to be merged into the state highways and transportation system under the commission's jurisdiction or approval from the local transportation authority if the proposed project is intended to be merged into a local transportation system under the local authority's jurisdiction. [If such approval is obtained, then the question shall be submitted to the district's voters in substantially the following form:

Shall the Transportation Development District discontinue development of the following transportation project: (summarize the transportation project), for the reason that (describe the reason why the transportation project cannot be completed as approved)?]

4. The board may modify the project previously approved by the district voters, if the modification is approved by the commission and, where appropriate, a local transportation authority.

238.275. 1. Within six months after development and initial maintenance costs of its completed project have been paid, the district shall pursuant to contract transfer ownership and control of the project to the commission or a local transportation authority which shall be responsible for all future maintenance costs pursuant to contract. Such transfer may be made sooner with the consent of the recipient.

2. At such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, **or the district has provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority under subsection 1 of this section**, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the Transportation Development District be abolished?

3. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

4. **As an alternative to the method described in subsections 2 and 3 of this section, if at such time as a district has completed its project and has transferred ownership of the project to the commission or other local transportation authority for maintenance, or the district has provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority under subsection 1 of this section, or at such time as the board determines that it is unable to complete its project due to lack of funding or for any other reason, the board may petition the circuit court to dissolve the district.**

5. **The district board may not petition the circuit court for dissolution while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership, or under the jurisdiction of the bankruptcy court. Prior to petitioning the circuit court to abolish the district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished under law.**

6. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

[5.] 7. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district **or upon receipt of an order of the circuit court that the district may be abolished**, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease."; and

Further amend said substitute, Section 3, Page 86, Lines 1 - 3, by deleting all of said section and lines from the bill; and

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

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

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

House Amendment No. 10

AMEND House Committee Substitute for Senate Bill No. 386, Section 67.2000, Page 28, Line 248, by inserting after all of said line the following:

"67.2050. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) **"Facility", a location composed of real estate, buildings, fixtures, machinery, and equipment;**

(2) **"Municipality", any county, city, incorporated town, or village of the state;**

(3) **"NAICS", the 2007 edition of the North American Industry Classification System developed under the direction and guidance of the federal Office of Management and Budget. Any NAICS sector, subsector,**

industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(4) "Technology business facility", a facility purchased, constructed, extended, or improved under this section and that contains at least twenty thousand square feet of space, provided that such business facility is engaged in:

(a) Data processing, hosting, and related services (NAICS 518210); or

(b) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

(5) "Technology business facility project" or "project", the purchase, construction, extension, and improvement of technology business facilities, whether of the facility as a whole or of any one or more of the facility's components of real estate, buildings, fixtures, machinery, and equipment.

2. The governing body of any municipality may:

(1) Carry out technology business facility projects for economic development under this section;

(2) Accept grants from the federal and state governments for technology business facility project purposes, and may enter into such agreements as are not contrary to the laws of this state and which may be required as a condition of grants by the federal government or its agencies; and

(3) Receive gifts and donations from private sources to be used for technology business facility project purposes.

3. The governing body of the municipality may enter into loan agreements, sell, lease, or mortgage to private persons, partnerships, or corporations any one or more of the components of a facility received, purchased, constructed, or extended by the municipality for development of a technology business facility project. The loan agreement, installment sale agreement, lease, or other such document shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with this section. When, in the judgment of the governing body of the municipality, the technology business facility project will result in economic benefits to the municipality, the governing body may lawfully enter into an agreement that includes nominal monetary consideration to the municipality in exchange for the use of one or more components of the facility.

4. Transactions involving the lease or rental of any components of a project under this section shall be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.761, RSMo, and from the computation of the tax levied, assessed, or payable under the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, RSMo.

5. Leasehold interests granted and held under this section shall not be subject to property taxes.

6. Any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

7. The county assessor shall include the current assessed value of all property within the affected taxing entities in the aggregate valuation of assessed property entered upon the assessor's book and verified under section 137.245, RSMo, and such value shall be used for the purpose of the debt limitation on local government under section 26(b), article VI, Constitution of Missouri.

8. The governing body of any municipality may sell or otherwise dispose of the property, buildings, or plants acquired under this section to private persons or corporations for technology business facility project purposes upon approval by the governing body. The terms and method of the sale or other disposal shall be established by the governing body so as to reasonably protect the economic well-being of the municipality and to promote the development of technology business facility projects. A private person or corporation that initially transfers property to the municipality for the purposes of a technology business facility project and does not charge a purchase price to the municipality shall retain the right, upon request to the municipality, to have the municipality retransfer the donated property to the person or corporation at no cost."; and

Further amend said bill, Section 67.3000, Page 28, Line 7, by inserting after all of said line the following:

"68.025. 1. Every local and regional port authority, approved as a political subdivision of the state, shall have the following powers to:

(1) Confer with any similar body created under laws of this or any other state for the purpose of adopting a comprehensive plan for the future development and improvement of its port districts;

(2) Consider and adopt detailed and comprehensive plans for future development and improvement of its port districts and to coordinate such plans with regional and state programs;

(3) **Establish a port improvement district in accordance with this chapter;**

(4) **Carry out any of the projects enumerated in subdivision (16) of section 68.205;**

(5) **Within the boundaries of any established port improvement district, to levy either a sales and use tax or a real property tax, or both, for the purposes of paying any part of the cost of a project benefiting property in a port improvement district;**

(6) **Pledge both revenues generated by any port improvement district and any other port authority revenue source to the repayment of any outstanding obligations;**

(7) Either jointly with a similar body, or separately, recommend to the proper departments of the government of the United States, or any state or subdivision thereof, or to any other body, the carrying out of any public improvement for the benefit of its port districts;

[4)] (8) Provide for membership in any official, industrial, commercial, or trade association, or any other organization concerned with such purposes, for receptions of officials or others as may contribute to the advancement of its port districts and any industrial development therein, and for such other public relations activities as will promote the same, and such activities shall be considered a public purpose;

[5)] (9) Represent its port districts before all federal, state and local agencies;

[6)] (10) Cooperate with other public agencies and with industry, business, and labor in port district improvement matters;

[7)] (11) Enter into any agreement with any other states, agencies, authorities, commissions, municipalities, persons, corporations, or the United States, to effect any of the provisions contained in this chapter;

[8)] (12) Approve the construction of all wharves, piers, bulkheads, jetties, or other structures;

[9)] (13) Prevent or remove, or cause to be removed, obstructions in harbor areas, including the removal of wrecks, wharves, piers, bulkheads, derelicts, jetties or other structures endangering the health and general welfare of the port districts; in case of the sinking of a facility from any cause, such facility or vessel shall be removed from the harbor at the expense of its owner or agent so that it shall not obstruct the harbor;

[10)] (14) Recommend the relocation, change, or removal of dock lines and shore or harbor lines;

[11)] (15) Acquire, own, construct, redevelop, lease, maintain, and conduct land reclamation and resource recovery [with respect to unimproved land], **including the removal of sand, rock, or gravel**, residential developments, commercial developments, mixed-use developments, recreational facilities, industrial parks, industrial facilities, and terminals, terminal facilities, warehouses and any other type port facility;

[12)] (16) Acquire, own, lease, sell or otherwise dispose of interest in and to real property and improvements situate thereon and in personal property necessary to fulfill the purposes of the port authority;

[13)] (17) Acquire rights-of-way and property of any kind or nature within its port districts necessary for its purposes. Every port authority shall have the right and power to acquire the same by purchase, negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, condemnation proceedings shall be maintained by and in the name of the port authority, and it may proceed in the manner provided by the laws of this state for any county or municipality. The power of eminent domain shall not apply to property actively being used in relation to or in conjunction with river trade or commerce, unless such use is by a port authority pursuant to a lease in which event the power of eminent domain shall apply;

[14)] (18) Contract and be contracted with, and to sue and be sued;

[15)] (19) Accept gifts, grants, loans or contributions from the United States of America, the state of Missouri, political subdivisions, municipalities, foundations, other public or private agencies, individual, partnership or corporations;

[16)] (20) Employ such managerial, engineering, legal, technical, clerical, accounting, advertising, stenographic, and other assistance as it may deem advisable. The port authority may also contract with independent contractors for any of the foregoing assistance;

[17)] (21) Improve navigable and nonnavigable areas as regulated by federal statute;

[18)] (22) Disburse funds for its lawful activities and fix salaries and wages of its employees; and

[(19)] (23) Adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted; however, said bylaws, rules and regulations shall not exceed the powers granted to the port authority by this chapter.

2. In implementing its powers, the port authority shall have the power to enter into agreements with private operators or public entities for the joint development, redevelopment, and reclamation of property within a port district or for other uses to fulfill the purposes of the port authority.

68.035. 1. The state may make grants to a state port fund, as appropriated by the general assembly, to be allocated by the department of transportation to local port authorities or regional port coordinating agencies. These grants, administered on a nonmatching basis, could be used for managerial, engineering, legal, research, promotion, planning and any other expenses.

2. In addition the state may make capital improvement matching grants contributing eighty percent of the funds and local port authorities contributing twenty percent of the funds for specific [projects] **undertakings** of port development such as land acquisitions, construction, terminal facility development, **port improvement projects**, and other related port facilities. **Notwithstanding the foregoing, any matching grants awarded by the Missouri highways and transportation commission under the Port Capital Improvement Program shall be transportation related.**

3. The grants provided herein may be used as the local share in applying for other grant programs.

68.040. 1. Every local and regional port authority, approved as a political subdivision of the state, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction of port facilities **and the financing of port improvement projects**; establish reserves to secure such bonds and notes; and make other expenditures, incident and necessary to carry out its purposes and powers.

2. This state shall not be liable on any notes or bonds of any port authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

3. No commissioner of any port authority or any authorized person executing port authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

4. The notes and bonds of every port authority are securities in which all public officers and bodies of this state and all political subdivisions and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, trust companies, saving associations, savings and loan associations, credit unions, investment companies, all administrators, guardians, executors, trustees, and other fiduciaries, and all other persons whatsoever, who now or may hereafter, be authorized to invest in notes and bonds or other obligations of this state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. No port authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every port authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

6. Every port authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they are consistent with the necessary and proper undertaking of its purposes.

68.070. [If, at any time] **Provided a local or regional port authority has no outstanding obligations**, the legislative body or county commission of a city or county, in which a local port authority is situated, votes, by majority, to dissolve said port authority, the local port authority shall be dissolved effective the date of approval of the dissolution by the highways and transportation commission of the state. If, at any time, all of the legislative bodies or county commissions of members of a regional port authority vote, by majority, to dissolve the regional port authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a local or regional port authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.

68.200. Sections 68.200 to 68.260 shall be known and may be cited as the "Port Improvement District Act."

68.205. As used in sections 68.200 to 68.260, unless the context clearly requires otherwise, the following terms shall mean:

- (1) "Act", the port improvement district act, sections 68.200 to 68.260;
- (2) "Approval", for purposes of elections pursuant to this act, a simple majority of those qualified voters casting votes in any election;
- (3) "Board", the board of port authority commissioners for the particular port authority that desires to establish or has established a district;
- (4) "Director of revenue", the director of the department of revenue of the state of Missouri;
- (5) "District" or "port improvement district", an area designated by the port authority which is located within its port district boundaries at the time of establishment;
- (6) "Disposal of solid waste or sewage", the entire process of storage, collection, transportation, processing, and disposal of solid wastes or sewage;
- (7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located under chapter 115, RSMo;
- (8) "Energy conservation", the reduction of energy consumption;
- (9) "Energy efficiency", the increased productivity or effectiveness of the use of energy resources, the reduction of energy consumption, or the use of renewable energy sources;
- (10) "Obligations", revenue bonds and notes issued by a port authority and any obligations for the repayment of any money obtained by a port authority from any public or private source along with any associated financing costs, including, but not limited to, the costs of issuance, capitalized interest, and debt service;
- (11) "Owner", the individual or individuals or entity or entities who own a fee interest in real property that is located within the boundaries of a district based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to any action;
- (12) "Petition", a petition to establish a port improvement district within the port district boundaries or a petition to make a substantial change to an existing district;
- (13) "Pollution", the existence of any noxious substance in the air or waters or on the lands of the state in sufficient quantity and of such amounts, characteristics, and duration as to injure or harm the public health or welfare or animal life or property;
- (14) "Port authority", a political subdivision established pursuant to this chapter;
- (15) "Port district boundaries", the boundaries of any port authority on file with the clerk of the county commission, city clerk, or clerk of the legislative or governing body of the county as applicable, which became effective upon approval by the highways and transportation commission of the state of Missouri;
- (16) "Project" or "port improvement project", with respect to any property within a port improvement district, or benefiting property within a port improvement district:
 - (a) Providing for, or contracting for the provision of, environmental cleanup, including the disposal of solid waste, services to brownfields, or other polluted real property;
 - (b) Providing for, or contracting for the provision of, energy conservation or increased energy efficiency within any building, structure, or facility;
 - (c) Providing for, or contracting for the provision of, wetland creation, preservation, or relocation;
 - (d) The construction of any building, structure, or facility determined by the port authority as essential in developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;
 - (e) Modifications to, or the relocation of, any existing building, structure, or facility that has been acquired or constructed, or which is to be acquired or constructed for the purpose of developing energy resources, preventing, reducing, or eliminating pollution, or providing water facilities or the disposal of solid waste;
 - (f) The acquisition of real property determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;
 - (g) The operation, maintenance, repair, rehabilitation, or reconstruction of any existing public or private building, structure, or facility determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;
 - (h) The construction of any new building, structure, or facility that is determined by the port authority to be significant in, or in the furtherance of, the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(17) "Qualified project costs", include any and all reasonable costs incurred or estimated to be incurred by a port authority, or a person or entity authorized by a port authority, in furtherance of a port improvement project, which costs may include, but are not limited to:

- (a) Costs of studies, plans, surveys, and specifications;
- (b) Professional service costs, including, but not limited to, architectural, engineering, legal, research, marketing, financial, planning, consulting, and special services, including professional service costs necessary or incident to determining the feasibility or practicability of any project and carrying out the same;
- (c) Administrative fees and costs of a port authority in carrying out any of the purposes of this act;
- (d) Property assembly costs, including, but not limited to, acquisition of land and other property and improvements, real or personal, or rights or interests therein, demolition of buildings and structures, and the clearing or grading of land, machinery, and equipment relating to any project, including the cost of demolishing or removing any existing structures;
- (e) Costs of operating, rehabilitating, reconstructing, maintaining, and repairing existing buildings, structures, or fixtures;
- (f) Costs of constructing new buildings, structures, or fixtures;
- (g) Costs of constructing, operating, rehabilitating, reconstructing, maintaining, and repairing public works or improvements;
- (h) Financing costs, including, but not limited to, all necessary and incidental expenses related to the port authority's issuance of obligations, which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations;
- (i) All or a portion of the port authority's capital costs resulting from a port improvement project necessarily incurred or to be incurred in furtherance of a port improvement project, to the extent the port authority accepts and approves such costs; and
- (j) Relocation costs, to the extent that a port authority determines that relocation costs shall be paid, or are required to be paid, by federal or state law;

(18) "Qualified voters", for the purposes of an election for the approval of a real property tax or a sales and use tax:

- (a) Registered voters residing within the district; or
- (b) If no registered voters reside within the district, the owners of one or more parcels of real property within the district, which would be subject to such real property taxes or sales and use taxes, as applicable, based upon the recorded real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(19) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, as determined by the election authority as of the thirtieth day prior to the date of the applicable election;

(20) "Respondent", the Missouri highways and transportation commission, each property owner within the proposed district, the municipality or municipalities within which the proposed district is located, the county or counties within which the proposed district is located, and any other political subdivision within the boundaries of the proposed port improvement district, except the petitioning port authority;

(21) "Revenues", all rents, revenues from any levied real property tax and sales and use tax, charges and other income received by a port authority in connection with any project, including any gift, grant, loan, or appropriation received by the port authority with respect thereto;

(22) "Substantial changes", with respect to an established port improvement district, the addition or removal of real property to or from the port improvement district and any changes to the approved district funding mechanism; and

(23) "Water facilities", any facilities for the furnishing and treatment of water for industrial, commercial, agricultural, or community purposes including, but not limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines, treatment plants, stabilization ponds, storm sewers, storm water detention and retention facilities, and related equipment and machinery.

68.210. 1. A port authority may establish one or more port improvement districts within its port district boundaries for the purpose of funding qualified project costs associated with an approved port improvement project. In order to form a district or to make substantial changes to an existing district, the board must:

- (1) Draft a petition in accordance with subsection 2 of this section;
- (2) Hold a public hearing in accordance with section 68.215;

(3) Subsequent to the public hearing, approve by resolution the draft petition containing any approved changes and amendments deemed necessary or desirable by a majority of the board members;

(4) File the approved draft petition in the circuit court of the county where the port improvement district is located, requesting the creation of a port improvement district in accordance with sections 68.200 to 68.260; and

(5) Within thirty days of the circuit court's certification of the petition, and establishment of the district, file a copy of the board's resolution approving the petition, the certified petition, and the circuit court judgment certifying the petition and establishing the district with the Missouri highways and transportation commission.

2. A petition is proper for consideration and approval by the board and the circuit court if, at the time of such approval, it has been signed by property owners collectively owning more than sixty percent per capita of all owners of real property within the boundaries of the proposed district and contains the following information:

(1) The legal description of the proposed district, including a map illustrating the legal boundaries. The proposed district must 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;

(2) A district name designation which shall be set out in the following format:

(a) The name of the Missouri county or municipality in which the port district boundaries are filed;

(b) The words "port improvement district"; and

(c) The district designation number, beginning at 1 for the first district formed by that specific port authority, and progressing consecutively upward, irrespective of the year established;

(3) A description of the proposed project or projects for which the district is being formed, and the estimated qualified project costs of such projects;

(4) The maximum rate or rates and duration of any proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project;

(5) The estimated revenues projected to be generated by any such tax or taxes;

(6) The name and address of each respondent;

(7) 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;

(8) A request that the circuit court certify the projects pursuant to the act, approve the proposed real property tax or sales and use tax, or both, as applicable, and establish the district.

68.215. 1. Not more than ten days prior to the submission of the petition to the circuit court, the port authority shall hold or cause to be held a public hearing on the proposed project or projects, proposed real property tax or sales and use tax, or both, as applicable, and the establishment of the proposed district and shall give notice of the public hearing in the manner provided in subsection 3 of this section. All reasonable protests, objections, and endorsements shall be heard at the public hearing.

2. The public hearing may be continued to another date without further notice other than a motion to be entered on the official port authority meeting minutes fixing the date, time, and place of the continuance of the public hearing.

3. Notice shall be provided by both publication and mailing. Notice by publication shall be given by publication in a newspaper of general circulation within the municipality or county in which the port authority is located at least once not more than fifteen, but not less than ten, days prior to the date of the public hearing. Notice by mail shall be given not more than thirty, but not less than twenty, days prior to the date of the public hearing by sending the notice via registered or certified United States mail with a return receipt attached to the address of record of each owner within the boundaries of the proposed district. The published and mailed notices shall include the following:

(1) The date, time, and place of the public hearing;

(2) A statement that a petition for the establishment of a district has been drafted for public hearing by the board;

(3) The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists, and a map illustrating the proposed boundaries;

(4) A brief description of the projects proposed to be undertaken, the estimated cost thereof, and the proposed method of financing such costs by a real property tax or sales and use tax, or both, as applicable;

(5) A statement that a copy of the petition is available for review at the office of the port authority during regular business hours;

(6) The address of the port authority's office; and

(7) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

68.220. 1. Within thirty days after the petition is filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. The respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident or taxpayer within the proposed district not qualifying as a respondent may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk pursuant to section 68.225.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or in part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal nor unconstitutional, the court shall enter its judgment to that effect. The court shall then certify the single question regarding the proposed real property tax or sales and use tax, or both, as applicable, needed to fund the project for voter approval. If no objections to the petition are timely filed, the court may make such certifications based upon the pleadings before it without any hearing.

3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals.

68.225. The circuit court 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 CREATE A PORT IMPROVEMENT 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 a port improvement district by the name of "..... Port District No." be formed for the purpose of developing the following projects: (here summarize the proposed project or projects). 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 port improvement district and requesting a declaratory judgment, as required by law, no later than the day of, 20..... You may show cause, if any, why such petition is defective or proposed port improvement district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be approved as directed by this court.

.....
Clerk of the Circuit Court of County

68.230. 1. Upon the port authority's own initiative, and after proper notice being provided and a public hearing being conducted in accordance with subsection 2 of this section, any district may be terminated by a resolution of the board, provided that there are no outstanding obligations secured in any way by district revenues produced from such district. A copy of such resolution shall be filed with the Missouri highways and transportation commission within thirty days of its passage.

2. The public hearing required by this section shall be held and notice of such public hearing shall be given in the manner set forth in section 68.215. The notice shall contain the following information:

- (1) The date, time, and place of the public hearing;
- (2) A statement that the port authority proposes a resolution terminating the district; and
- (3) A statement that all interested parties will be given an opportunity to be heard.

3. Notwithstanding the requirements of this section, if the port authority that has formed the district is dissolved in accordance with this chapter, the district shall automatically be terminated, and any taxes levied shall

simultaneously be repealed, except that this subsection shall not apply in such instance when a local port authority is dissolved pursuant to subsection 6 of section 68.060 in order to consolidate into a regional port authority.

68.235. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district pursuant to this act, and subsequent to the circuit court's certification of a question regarding any proposed real property tax needed to fund a project, a port authority may levy by resolution a tax upon real property within the boundaries of the district; provided however, no such resolution shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.250, the circuit court's certified question regarding such proposed real property tax. If a majority of the votes cast by the qualified voters voting on the proposed real property tax are in favor of the tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters voting are opposed to the real property tax, then the resolution seeking to levy the real property tax shall be deemed to be null and void on the date on which the election may no longer be challenged pursuant to section 68.255. The port authority may levy a real property tax rate lower than the tax rate ceiling approved by the qualified voters pursuant to subsection 1 of this section and may, by resolution, increase that lowered tax rate to a level not exceeding the tax rate ceiling without approval of the qualified voters.

2. The ballot shall be substantially in the following form:

"Shall the (insert name of district) impose a real property tax upon (all real property) within the district at a rate of not more than (insert amount) dollars per hundred dollars assessed valuation for a period of (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for (insert general description of project or projects) in the district?

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".

3. A port authority may repeal or amend by resolution any real property tax imposed pursuant to this section before the expiration date of such real property tax unless the repeal or amendment of such real property tax will impair the port authority's ability to repay any obligations the port authority has incurred to pay any part of the cost of a port improvement project.

4. All property, real and personal, assessed under sections 151.010 to 151.340, RSMo, is hereby specifically exempted from taxes levied, assessed, or payable under this section.

68.240. 1. The county collector of each county in which the district is located, or the collector for the city in which the district is located if the district is located in a city not within a county, shall collect the real property tax made upon all real property within that county and district, in the same manner as other real property taxes are collected.

2. Every county or municipal collector and treasurer having collected or received district real property taxes shall, on or before the fifteenth day of each month and after deducting the reasonable and actual cost of such collection but not to exceed one percent of the total amount collected, remit to the port authority the amount collected or received by the port authority prior to the first day of such month. Upon receipt of such money, the port authority shall execute a receipt therefor, which shall be forwarded or delivered to the county collector or city treasurer who collected such money. The port authority shall deposit such sums which are designated for a specific project into a special trust fund to be expended solely for such purpose, or to the port authority treasury if such sums are not designated. The county or municipal collector or treasurer, and port authority shall make final settlement of the port authority account and costs owing, not less than once each year, if necessary.

3. Upon the expiration of any real property tax adopted pursuant to this section which is designated for a specific project, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority pursuant to applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.

68.245. 1. For the purposes of providing funds to pay all, or any portion of, the qualified project costs associated with any approved project, subsequent to the establishment of a district pursuant to this act, and subsequent to the circuit court's certification of a question regarding any proposed sales and use tax needed to

fund a project, a port authority may levy by resolution a district wide sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors, and sales to or from public utilities. Any sales and use tax imposed pursuant to this section may be imposed in increments of one-eighth of one percent, up to a maximum of one percent; except that, no resolution adopted pursuant to this section shall be final nor shall it take effect until the qualified voters approve, by mail-in ballot election conducted in accordance with section 68.250, the circuit court's certified question regarding such proposed sales and use tax. If a majority of the votes cast by the qualified voters on the proposed sales and use tax are in favor of the sales and use tax, then the resolution shall become effective. If a majority of the votes cast by the qualified voters are opposed to the sales and use tax, then the resolution seeking to levy the sales and use tax shall be deemed null and void on the date on which the election may no longer be challenged pursuant to section 68.255.

2. The ballot shall be substantially in the following form:

"Shall the (insert name of district) impose a district wide sales and use tax at the maximum 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 providing revenue for (insert general description of project or projects)?

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"."

3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the port authority shall, in accordance with section 32.087, RSMo, notify the director of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of such sales and use tax.

4. The director of revenue shall collect any sales and use tax adopted pursuant to this section, pursuant to section 32.087, RSMo.

5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the port authority to such retailer's sale price, and when so added such tax shall constitute a part of the purchase 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.

6. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.

7. All revenue received by the port authority from a sales and use tax imposed pursuant to this section which is designated for a specific project shall be deposited into a special trust fund to be expended solely for such purpose, or to the port authority's treasury if such sums are not designated. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the ballot adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the port authority pursuant to applicable laws relating to the investment of other port authority funds and the port authority may use such funds for other approved port improvement projects.

8. A port authority may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the port authority's ability to repay, or unless the sales and use tax in any way secure any outstanding obligations the port authority has incurred to pay any part of the qualified project costs of any approved port improvement project.

68.250. 1. Notwithstanding the provisions of chapter 115, RSMo, except the provisions of section 115.125, RSMo, when applicable, an election for any proposed real property tax or proposed sales and use tax, or both, within a district pursuant to this act shall be conducted in accordance with the provisions of this section.

2. After the board has passed a resolution approving the levy of a real property tax or a sales and use tax, or both, the board shall provide written notice of such resolution, along with the circuit court's certified question regarding the real property tax or the sales and use tax, or both, as applicable, to the election authority. The board shall be entitled to repeal or amend such resolution provided that written notice of such repeal or amendment is delivered to the election authority prior to the date that the election authority mails the ballots to the qualified voters.

3. Upon receipt of written notice of a port authority's resolution, along with the circuit court's certified question, for the levy of a real property tax or a sales and use tax, or both, the election authority shall:

(1) Specify a date upon which the election shall occur, which date shall be a Tuesday and shall be, unless otherwise approved by the board, and election authority and applicable circuit court pursuant to section 115.125, RSMo, not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date the board passes the resolution and shall not be on the same day as an election conducted pursuant to the provisions of chapter 115, RSMo;

(2) Publish notice of the election in a newspaper of general circulation within the municipality two times. The first publication date shall be not more than forty-five, but not less than thirty-five, days prior to the date of the election and the second publication date shall be not more than twenty, and not less than ten, days prior to the date of the election. The published notice shall include, but not be limited to, the following information:

- (a) The name and general boundaries of the district;
- (b) The type of tax proposed (real property tax or sales and use tax or both), its rate or rates, and its purpose or purposes;
- (c) The date the ballots for the election shall be mailed to qualified voters;
- (d) The date of the election;
- (e) The applicable definition of qualified voters;
- (f) A statement that persons residing in the district shall register to vote with the election authority on or before the thirtieth day prior to the date of the election in order to be a qualified voter for purposes of the election;
- (g) A statement that the ballot must be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked, not later than the date of the election; and

(h) A statement that any qualified voter that did not receive a ballot in the mail or lost the ballot received in the mail may pick up a mail-in ballot at the election authority's office, specifying the dates and time such ballot will be available and the location of the election authority's office;

(3) The election authority shall mail the ballot, a notice containing substantially the same information as the published notice and a return addressed envelope directed to the election authority's office with a sworn affidavit on the reverse side of such envelope for the qualified voter's signature, to each qualified voter not more than fifteen days and not less than ten days prior to the date of the election. For purposes of mailing ballots to real property owners, only one ballot shall be mailed per capita at the address shown on the official, or recorded, real estate records of the county recorder, or the city recorder of deeds if the district is located in a city not within a county, as of the thirtieth day prior to the date of the election. Such affidavit shall be in substantially the following form:

FOR REGISTERED VOTERS:

I hereby declare under penalties of perjury that I reside in the Port Improvement District No. (insert name of district) and I am a registered voter and qualified to vote in this election.

.....
Qualified Voter's Signature

.....
Printed Name of Qualified Voter

FOR REAL PROPERTY OWNERS:

I hereby declare under penalty of perjury that I am the owner of real property in the Port Improvement District No. (insert name of district) and qualified to vote in this election, or authorized to affix my signature on behalf of the owner (named below) of real property in the Port Improvement District No. (insert name of district) which is qualified to vote in this election.

.....
Signature

.....
Print Name of Real Property Owner

If Signer is Different from Owner:
Name of Signer:
State Basis of Legal Authority to Sign:

All persons or entities having a fee ownership in the property shall sign the ballot. Additional signature pages may be affixed to this ballot to accommodate all required signatures.

4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the authorized signature.

5. Mail-in ballots shall be returned to the election authority's office in person, or by depositing the ballot in the United States mail addressed to the election authority's office and postmarked no later than the date of the election. The election authority shall transmit all voted ballots to a team of judges of not less than four. The judges shall be selected by the election authority from lists it has compiled. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the election authority. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115, RSMo.

6. The results of the election shall be entered upon the records of the election authority and two certified copies of the election results shall be filed with the port authority and entered upon the records of the port authority.

7. The port authority shall reimburse the election authority for the costs it incurs to conduct an election under this section.

8. Notwithstanding anything to the contrary, nothing in this act shall prevent a port authority from proposing both a real property tax levy question and a sales and use tax levy question to the district's qualified voters in the same election.

68.255. No lawsuit to set aside a district established or a tax levied under this act, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the circuit court judgment establishing such district in question or the effective date of the resolution levying such tax in question.

68.260. 1. The provisions of this section shall only apply to a port authority that has formed a district.

2. In addition to any other report required of a port authority, within one hundred twenty days following the last day of the port authority's fiscal year, the board shall submit a report to the clerk of either the municipality or county which formed the port authority pursuant to section 68.010, and to the Missouri department of transportation stating the services provided, revenues collected and expenditures made by the district during such fiscal year, and copies of written resolutions approved by the board during the fiscal year. The municipal clerk or county clerk, as applicable, shall retain this report as part of the official records of the municipality or county and shall also cause this report to be spread upon the records of the governing body.

3. In addition to the report required pursuant to subsection 2 of this section, upon the approval by the qualified voters of a real property tax or sales and use tax, or both, in accordance with the act, each authority shall annually submit a report to the auditor of the state of Missouri in accordance with section 105.145, RSMo."; and

Further amend said bill, Section 140.420, Page 59, Line 9, by inserting after all of said line the following:

"144.055. Beginning January 1, 2010, in addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, RSMo, all electrical energy, gas, water, and other utilities including telecommunication services, machinery, equipment, or computers used by data center and server farm facilities that are more than twenty thousand square feet of space."; and

Further amend said bill, Section 3, Page 86, Line 3, by inserting after all of said bill the following:

"Section 4. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any port authority within the state in the same manner as the auditor may audit any agency of the state.

Section 5. Any expenditure made by the port authority that is over twenty-five thousand dollars, including professional service contracts, must be competitively bid."; and

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

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

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

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 386, Section 88.832, Page 31, Lines 12 thru 15, by deleting all of said lines and inserting in lieu thereof the following:

"2. No city of the third classification with more than nineteen thousand nine hundred but fewer than twenty thousand two hundred inhabitants that imposes a storm water usage fee based on the runoff rate of storm water on impervious surfaces shall impose such user fee on property owned by any church, public school, nonprofit organization, or political subdivision."; and

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

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

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

House Amendment No. 12

AMEND House Committee Substitute for Senate Bill No. 386, Section 49.082, Page 4, Line 28, by deleting the opening bracket ("[" immediately after the word "association"; and

Further amend said section and page, Line 30, by deleting the closing bracket ("]") immediately after the word "county"; and

Further amend said section, Pages 4 - 5, Lines 31 - 41, by deleting all of said lines and inserting in lieu thereof ". Expenses incurred for"; and

Further amend said substitute, Section 50.343, Page 7, Lines 44 - 50, by deleting all of said lines and inserting in lieu thereof the following:

"as provided by law for officers subject to the provisions of Section 50.333. At the salary commission meeting which establishes the"; and

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

Representative Dougherty offered **House Amendment No. 1 to House Amendment No. 12.**

Representative Sutherland raised a point of order that **House Amendment No. 1 to House Amendment No. 12** goes beyond the scope of the amendment.

The Chair ruled the point of order well taken.

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

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

House Amendment No. 13

AMEND House Committee Substitute for Senate Bill No. 386, Pages 84 - 85, Section 473.745, Lines 2 -17, by deleting said section:

473.745; and

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

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

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

House Amendment No. 14

AMEND House Committee Substitute for Senate Bill No. 386, Section 67.281, Page 17, Line 11, by inserting the following at the end of said line:

"This section shall expire on December 31, 2011."; and

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

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

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

House Amendment No. 15

AMEND House Committee Substitute for Senate Bill No. 386, Section 300.349, Page 64, Line 45, by inserting after all of said line the following:

"304.161. Storage charges for any towed vehicle, excluding commercial motor vehicles as defined in section 301.010 RSMo, shall not exceed twenty-five dollars per day."; and

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

Representative Nieves assumed the Chair.

Representative Yates offered **House Amendment No. 1 to House Amendment No. 15**.

House Amendment No. 1

to

House Amendment No. 15

AMEND House Amendment No. 15 to House Committee Substitute for Senate Bill No. 386, Page 1, Section 304.161, Line 4, by removing "twenty-five" and replacing with "thirty".

On motion of Representative Yates, **House Amendment No. 1 to House Amendment No. 15** was adopted.

On motion of Representative Kuessner, **House Amendment No. 15, as amended**, was adopted.

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

House Amendment No. 16

AMEND House Committee Substitute for Senate Bill No. 386, Section 431.210, Page 78, Line 16, by inserting after all of said line the following:

“3. This section shall not apply to service contracts regulated pursuant to chapter 385, RSMo.”; and

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

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

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

House Amendment No. 17

AMEND House Committee Substitute for Senate Bill No. 386, Section 71.275, Page 28, Lines 7 - 9, by deleting all of said lines and inserting in lieu thereof the following:

"the property owners located within the unincorporated area of such parcel. For purposes of this section, the term "research park" "; and

Further amend said section and page, Line 16, by inserting immediately after all of said Line the following:

"71.1000. 1. The governing body of any city, town, or village located in any county with a charter form of government and with more than one million inhabitants may enter into an annexation agreement with one or more of the owners of record of real property in unincorporated areas near the city, town, or village. The real property may be annexed to the city, town, or village in the manner provided in this chapter at the time the real property is or becomes contiguous to the city, town, or village. The annexation agreement shall be valid and binding for a period of not to exceed twenty years from the date of its execution.

2. Any such annexation agreement may provide for the following as it relates to the real property that is the subject of the agreement:

(1) The annexation of such territory to the city, town, or village, subject to the provisions of this chapter;
(2) The continuation in effect, or amendment, or continuation in effect as amended, of any ordinance relating to subdivision controls, zoning, official plan, and building, housing, and related restrictions. Any public hearing required by law to be held before the adoption of any ordinance amendment provided in the agreement shall be held before the execution of the agreement, and all ordinance amendments provided in the agreement shall be enacted according to law;

(3) A limitation upon increases in permit fees required by the city, town, or village;

(4) Contributions of either real property or moneys, or both, to any political subdivision having jurisdiction over all or part of real property that is the subject matter of any annexation agreement entered into under this section shall be deemed valid when made and shall survive the expiration date of any such annexation agreement with respect to all or any part of the real property that was the subject matter of the annexation agreement;

(5) The granting of utility franchises for the real property;

(6) The abatement of property taxes; and

(7) Any other matter not inconsistent with nor prohibited by law.

3. Any action taken by the governing body of the city, town, or village during the period in which the agreement is in effect that would be a breach of the agreement if it applied to the real property which is the subject of the agreement shall not apply to the real property without an amendment of such agreement.

4. After the expiration date of any annexation agreement and unless otherwise provided for within the annexation agreement or an amendment to the annexation agreement, the provisions of any ordinance relating to the zoning of the real property that is provided for within the agreement or an amendment to the agreement shall remain in effect unless modified in accordance with law.

5. Real property that is the subject of an annexation agreement adopted under this section is subject to the ordinances, control, and jurisdiction of the annexing city, town, or village in all respects the same as real property that lies within the annexing city, town, or village's corporate limits.

6. Any annexation agreement and all amendments of annexation agreements shall be entered into as provided in this section. The governing body of the city, town, or village shall fix a time for and hold a public hearing upon the proposed annexation agreement or amendment, and shall give notice of the proposed agreement or amendment not more than thirty nor less than fifteen days before the date fixed for the hearing. The notice shall be published at least once in one or more newspapers published in the city, town, or village, or, if no newspaper is published there, then in one or more newspapers with a general circulation within the annexing city, town, or village. After the hearing the agreement or amendment may be modified before execution of the agreement or amendment. The annexation agreement or amendment shall be executed by the mayor or chief executive of the city, town, or village, and attested by the clerk of the city, town, or village only after the hearing and upon the adoption of a resolution or ordinance directing the execution. The resolution or ordinance shall not become effective unless approved by a vote of two-thirds of the governing body of the city, town, or village then holding office.

7. Any annexation agreement executed under this section shall be binding upon the successor owners of record of the real property which is the subject of the agreement and upon successor authorities of the city, town, or village and successor cities, towns, or villages. Any party to the agreement may by civil action, mandamus, injunction, or other proceeding, enforce and compel performance of the agreement.

8. Any lawsuit to enforce and compel performance of the agreement shall be filed within the effective term of the agreement, or within five years from the date the cause of action accrued, whichever time is later.

9. Whenever a municipal ordinance or an annexation agreement authorized under this section requires the installation of water mains, sanitary sewers, drains, or other facilities for sewers and drains, the construction of any roadways, or the installation of any traffic signals or other traffic-related improvements as a condition of either the acceptance of a preliminary or final subdivision or plat, or a preliminary or final planned unit development plan, or the issuance of a building permit and where, in the opinion of the governing body of the city, town, or village, the facilities, roadways, or improvements may be used for the benefit of property not in the subdivision or planned unit development or outside the property for which a building permit has been issued, and the water mains, sanitary sewers, drains, or other facilities, roadways, or improvements are to be dedicated to the public, the governing body of the city, town, or village may by contract with the developer agree to reimburse and may reimburse the developer for a portion of the cost of the facilities, roadways, and improvements from fees charged to owners of property not within the subdivision, planned unit development, or property for which a building permit has been issued when and as collected from the owners. The contract shall describe the property outside the subdivision, planned unit development, or property for which a building permit has been issued that may reasonably be expected to benefit from the facilities, roadways, or improvements that are required to be constructed under the contract, and shall specify the amount or proportion of the cost of the facilities, roadways, or improvements that is to be incurred primarily for the benefit of that property. The contract shall provide that the municipality shall collect fees charged to owners of property not within the subdivision, planned unit development, or property for which a building permit has been issued at any time before the connection to and use of the facilities, roadways, or improvements by the respective properties of each owner. The contract may contain other and further provisions and agreements concerning the construction, installation, completion, and acceptance of the facilities, roadways, or improvements that the governing body of the city, town, or village in its opinion deems proper, and may also provide for the payment to the developer of a reasonable amount of interest on the amount expended by the developer in completing the facilities, roadways, and improvements, the interest to be calculated from and after the date of completion and acceptance of the facilities, roadways, and improvements.

10. Any contract entered into between the governing body of a municipality and a developer under this section shall be filed with the recorder of each county in which all or a part of the property affected thereby is located. The recording of the contract in this manner shall serve to notify persons interested in such property of the fact that there will be a charge in relation to such property for the connection to and use of the facilities constructed under the contract."; and

Further amend said substitute, Page 28, Section 82.1026, Line 6, by inserting after all of said line the following:

"84.150. The officers of the police force in each such city shall be as follows: One chief of police with the rank of colonel; [one assistant chief of police with the rank of lieutenant colonel; one chief of detectives with the rank of

lieutenant colonel; one inspector of police with the rank of lieutenant colonel; and two other lieutenant colonels, making a total of five lieutenant colonels, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional lieutenant colonel shall be appointed, making a total of six lieutenant colonels; one assistant chief of detectives with the rank of major and five other majors, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional major shall be appointed, making a total of seven majors; twenty-two captains, except that upon reaching two thousand eighty-seven patrolmen pursuant to the provisions of section 84.100 an additional two captains shall be appointed, making a total of twenty-four captains; sixty-seven lieutenants, except that for each thirty-eight additional patrolmen appointed pursuant to the provisions of section 84.100 an additional lieutenant shall be appointed; two hundred sixty sergeants, except that for each nine additional patrolmen appointed pursuant to the provisions of section 84.100 an additional sergeant shall be appointed. No further appointments to the rank of corporal shall hereafter be made, but all members of the force now holding the rank of corporal shall continue in such rank until their promotion, demotion, removal, resignation or other separation from the force] **lieutenant colonels, not to exceed five in number and other such ranks and number of members within such ranks as the board from time to time deems necessary.** The officers of the police force shall have commissions issued to them by the boards of police commissioners, and those heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess the necessary mental and physical ability, and be subject to removal only for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the premises. [Any increase in the number of officers to be appointed, in addition to that provided for above, shall be permitted upon recommendation by the board of police commissioners with the approval of the municipal board of estimate and apportionment.]

84.175. 1. Upon recommendation of the chief of police, the board may authorize and provide for the organization of a police reserve force composed of [residents of the city] **members who receive a service retirement under the provisions of sections 86.200 to 86.366, RSMo, and** who qualify under the provisions of section 84.120. Such reserve force shall be under the command of the chief of police and shall be provided training, equipment, uniforms, and arms as the chief shall direct with the approval of the board[; and when assigned to active duty the]. Members of the reserve force shall possess all of the powers of regular police officers and shall be subject to all laws and regulations applicable to police officers; provided, however, that the city council or other governing body of any such city may in its discretion fix a total in number which the reserve force may not exceed.

2. In event of riot or other emergencies as declared and defined by the mayor, in concurrence with the board, the board, upon recommendation of the chief, may appoint special officers or patrolmen for temporary service in addition to the police reserve force herein provided for, but the length of time for which such officers or patrolmen shall be employed shall be limited to the time during which such emergency shall exist."; and

Further amend said bill, Page 30, Section 84.830, Line 60, by inserting after all of said line the following:

"86.200. The following words and phrases as used in sections 86.200 to 86.366, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Accumulated contributions", the sum of all mandatory contributions deducted from the compensation of a member and credited to the member's individual account, together with members' interest thereon;

(2) "Actuarial equivalent", a benefit of equal value when computed upon the basis of mortality tables and interest assumptions adopted by the board of trustees;

(3) "Average final compensation":

(a) With respect to a member who earns no creditable service on or after October 1, 2001, the average erasable compensation of the member during the member's last three years of creditable service as a police officer, or if the member has had less than three years of creditable service, the average erasable compensation of the member's entire period of creditable service;

(b) With respect to a member who is not participating in the DROP pursuant to section 86.251 on October 1, 2001, who did not participate in the DROP at any time before such date, and who earns any creditable service on or after October 1, 2001, the average erasable compensation of the member during the member's last two years of creditable service as a policeman, or if the member has had less than two years of creditable service, then the average erasable compensation of the member's entire period of creditable service;

(c) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer for reasons other than death or disability before earning at least two years of creditable service after such return, the portion of the member's benefit attributable to

creditable service earned before DROP entry shall be determined using average final compensation as defined in paragraph (a) of this subdivision; and the portion of the member's benefit attributable to creditable service earned after return to active participation in the system shall be determined using average final compensation as defined in paragraph (b) of this subdivision;

(d) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in the DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer after earning at least two years of creditable service after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision;

(e) With respect to a member who is participating in the DROP pursuant to section 86.251 on October 1, 2001, or whose participation in DROP ended before such date, who returns to active participation in the system pursuant to section 86.251, and whose employment as a police officer terminates due to death or disability after such return, the member's benefit attributable to all of such member's creditable service shall be determined using the member's average final compensation as defined in paragraph (b) of this subdivision; and

(f) With respect to the surviving spouse or surviving dependent child of a member who earns any creditable service on or after October 1, 2001, the average erasable compensation of the member during the member's last two years of creditable service as a police officer or, if the member has had less than two years of creditable service, the average erasable compensation of the member's entire period of creditable service;

(4) "Beneficiary", any person in receipt of a retirement allowance or other benefit;

(5) "Board of police commissioners", any board of police commissioners, police commissioners and any other officials or boards now or hereafter authorized by law to employ and manage a permanent police force in such cities;

(6) "Board of trustees", the board provided in sections 86.200 to 86.366 to administer the retirement system;

(7) "Creditable service", prior service plus membership service as provided in sections 86.200 to 86.366;

(8) "DROP", the deferred retirement option plan provided for in section 86.251;

(9) "Erasable compensation", the annual salary which a member would earn during one year on the basis of the member's rank or position as specified in the applicable salary matrix in section 84.160, RSMo, plus additional compensation for academic work as provided in subsection 8 of section 84.160, RSMo, plus shift differential as provided in subdivision (4) of subsection 9 of section 84.160, RSMo. Such amount shall include the member's deferrals to a deferred compensation plan pursuant to Section 457 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the Internal Revenue Code or, effective October 1, 2001, to a transportation fringe benefit program pursuant to Section 132(f)(4) of the Internal Revenue Code. Erasable compensation shall not include a member's additional compensation for overtime, standby time, court time, nonuniform time or unused vacation time. Notwithstanding the foregoing, the erasable compensation taken into account under the plan established pursuant to sections 86.200 to 86.366 with respect to a member who is a noneligible participant, as defined in this subdivision, for any plan year beginning on or after October 1, 1996, shall not exceed the amount of compensation that may be taken into account under Section 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of living, for such plan year. For purposes of this subdivision, a "noneligible participant" is an individual who first becomes a member on or after the first day of the first plan year beginning after the earlier of:

(a) The last day of the plan year that includes August 28, 1995; or

(b) December 31, 1995;

(10) "Internal Revenue Code", the federal Internal Revenue Code of 1986, as amended;

(11) "Mandatory contributions", the contributions required to be deducted from the salary of each member who is not participating in DROP in accordance with section 86.320;

(12) "Medical board", the board of physicians provided for in section 86.237;

(13) "Member", a member of the retirement system as defined by sections 86.200 to 86.366;

(14) "Members' interest", interest on accumulated contributions at such rate as may be set from time to time by the board of trustees;

(15) "Membership service", service as a policeman rendered since last becoming a member, except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman, in which case "membership service" means service as a policeman rendered since last becoming a member prior to entering such armed service;

(16) "Plan year" or "limitation year", the twelve consecutive-month period beginning each October first and ending each September thirtieth;

(17) "Policeman" or "police officer", any member of the police force of such cities who holds a rank in such police force for which the annual salary is listed in section 84.160, RSMo;

(18) "Prior service", all service as a policeman rendered prior to the date the system becomes operative or prior to membership service which is creditable in accordance with the provisions of sections 86.200 to 86.366;

(19) **"Reserve officer", any member of the police reserve force of such cities, armed or unarmed, who works less than full time without compensation, and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives a service retirement as provided by sections 86.200 to 86.366;**

(20) "Retirement allowance", annual payments for life as provided by sections 86.200 to 86.366 which shall be payable in equal monthly installments or any benefits in lieu thereof granted to a member upon termination of employment as a police officer and actual retirement;

[(20)] (21) "Retirement system", the police retirement system of the cities as defined in sections 86.200 to 86.366;

[(21)] (22) "Surviving spouse", the surviving spouse of a member who was the member's spouse at the time of the member's death.

86.207. 1. All persons who become policemen and all policemen who enter or reenter the service of the city after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city or the state of Missouri, anything to the contrary notwithstanding.

2. If any member ceases to be in service for more than one year unless the member has attained the age of fifty-five or has twenty years or more of creditable service, or if the member withdraws the member's accumulated contributions or if the member receives benefits under the retirement system or dies, the member thereupon ceases to be a member; except in the case of a member who has served in the armed forces of the United States and has subsequently been reinstated as a policeman. A member who has terminated employment as a police officer, has actually retired and is receiving retirement benefits under the system shall be considered a retired member.

3. A reserve officer shall not be considered a member of the system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits from the system other than those awarded when the reserve officer originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those benefits."; and

Further amend said substitute, Section 86.362, Pages 30 - 31, Lines 1 - 23, by deleting all of said section and lines from the bill; and

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

Representative Pratt offered House Amendment No. 1 to House Amendment No. 17.

*House Amendment No. 1
to
House Amendment No. 17*

AMEND House Amendment No. 17 to House Committee Substitute for Senate Bill No. 386, Page 10, Line 29, by inserting the following after all of said line:

'Further amend said substitute, Section 88.832, Page 31, Line 15, by inserting the following after all of said line:

"[89.191. Whenever any city, town or village, located in a county of the first class with a charter form of government annexes any unincorporated territory, the zoning classification of the annexed territory shall remain the same as it was prior to the annexation, unless the zoning classification is affirmatively changed through the regular rezoning procedures used by the annexing city, town or village.]

89.192 In any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, the continuation of a legal nonconforming use shall not be conditioned upon the granting of a permit, certificate or other like device, and any such condition previously imposed shall be void."; and; and

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

On motion of Representative Pratt, **House Amendment No. 1 to House Amendment No. 17** was adopted.

Representative Dieckhaus offered **House Amendment No. 2 to House Amendment No. 17.**

House Amendment No. 2
to
House Amendment No. 17

AMEND House Amendment No. 17 to House Committee Substitute for Senate Bill No. 386, Page 2, Line 24, by inserting the following after all of said line:

Further amend said substitute, Section 71.275, Page 28, Line 16, by inserting the following after all of said line:

"77.300. The city council may submit any question to a vote as an advisory referendum to be included on the ballot for an election to be conducted on a date authorized under section 115.123, RSMo. Such an advisory referendum, upon receiving a majority of votes in such city, shall only be used by the city council as a measure of public preference and shall not have the force and effect of law. Such questions shall only be submitted in the same manner that questions are otherwise submitted to a vote under chapter 115, RSMo."; and'; and

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

Speaker Pro Tem Pratt resumed the Chair.

On motion of Representative Dieckhaus, **House Amendment No. 2 to House Amendment No. 17** was adopted.

Representative Salva offered **House Amendment No. 3 to House Amendment No. 17.**

House Amendment No. 3
to
House Amendment No. 17

AMEND House Amendment No. 17 to House Committee Substitute for Senate Bill No. 386, Page 1, Line 9, by inserting after the word "**inhabitants**" the following:

"and any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county"; and

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

On motion of Representative Salva, **House Amendment No. 3 to House Amendment No. 17** was adopted.

Representative Roorda offered **House Amendment No. 4 to House Amendment No. 17.**

House Amendment No. 4
to
House Amendment No. 17

AMEND House Amendment No. 17 to House Committee Substitute for Senate Bill No. 386, Page 5, Section 71.1000, Line 2, by inserting after all of said line the following:

“84.120. 1. No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. **The board may develop a test to measure ordinary physical strength for employed commissioned police officers; however, the test shall not be used as the sole factor in determining a police officer's continuing employment.** The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental [and physical] ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the jurisdiction in the premises.

2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.

3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.

4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:

(a) Presiding over a disciplinary matter from its inception through to the final hearing;
(b) Preparing a report to the board of police commissioners; and
(c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.

(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.

(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer.

5. Hearing officers shall be selected in the following manner:

(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;

(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;

(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.”; and

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

Representative Roorda moved that **House Amendment No. 4 to House Amendment No. 17** be adopted.

Which motion was defeated.

On motion of Representative Diehl, **House Amendment No. 17, as amended**, was adopted.

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

House Amendment No. 18

AMEND House Committee Substitute for Senate Bill No. 386, Section 65.610, Page 16, Line 35, by inserting the following after all of said line:

"67.110. 1. Each political subdivision in the state, except counties and any political subdivision located at least partially within any county with a charter form of government or any political subdivision located at least partially within any city not within a county, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Each political subdivision located, at least partially, within a county with a charter form of government or within a city not within a county shall fix its ad valorem property tax rates as provided in this section not later than October first for entry in the tax books for each calendar year after December 31, 2008. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for each tax rate to be levied: the assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by [September first] **the date provided under this section for such political subdivision**, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted."; and

Further amend said substitute, Section 115.607, Page 44, Line 85, by inserting the following after all of said line:

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

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate[; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year]. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed **the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. For the 2009 tax year, any political subdivision may levy a rate sufficient to generate substantially the same amount of tax revenue as was produced in the 2007 tax year from all taxable property, exclusive of any new construction or improvements attributable to tax years 2008 and 2009, except that such rate shall not exceed the greater of the rate in effect for the 1984 tax year or the most recent voter approved tax rate.** Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was

assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous

year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10©) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from

sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether

favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo, or otherwise contested. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

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

11. Any political subdivision that levies a tax rate greater than the most recent voter-approved tax rate shall provide notice of such fact in a newspaper of general circulation within such political subdivision:

- (1) No later than fourteen days following the setting of such tax rate;**
- (2) At least once between October fifteenth and November fifteenth of such tax year; and**
- (3) On December fifteenth of such tax year.**

12. For all tax years beginning on or after January 1, 2010, 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."; and

Further amend said substitute, Section 2, Page 86, Lines 1 - 9, by deleting all of said section from the bill; and

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

Representative Kratky offered **House Amendment No. 1 to House Amendment No. 18.**

*House Amendment No. 1
to
House Amendment No. 18*

AMEND House Amendment No. 18 to House Committee Substitute for Senate Bill No. 386, Page 14, Line 15, by deleting " "; and " and inserting in lieu thereof the following:

“138.140. 1. In all constitutional charter cities not situated within any county there shall be a board of equalization consisting of the assessor, who shall be its president, and [four] **six** taxpaying, property-owning citizens resident in the city for five years next before their appointment, who shall be appointed annually by the mayor on or before the [second Monday in May] **first day of July** of each year.

2. Each member shall take an oath similar to that required by law of members of county boards of equalization.

3. Their compensation shall be fixed by ordinance.

4. Vacancies or absences on the board of equalization caused by death, incapacity to perform duties, failure to attend three consecutive meetings, or resignation shall be filled forthwith by appointment by the mayor.

5. Two of the six taxpaying, property-owning citizen residents of the board shall be designated by the mayor to serve as alternates to serve when one or more of the citizen residents are unavailable.”; and”; and

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

On motion of Representative Kratky, **House Amendment No. 1 to House Amendment No. 18** was adopted.

On motion of Representative Sutherland, **House Amendment No. 18, as amended**, was adopted.

Representative Jones (117) offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Committee Substitute for Senate Bill No. 386, Page 10, Section 52.370, Line 6, by inserting after all of said line the following:

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

(1) "Immediate family", any parent, sibling, spouse, child, or dependent relative of a peace officer, whether the dependent relative lives with the peace officer or not;

(2) "Peace officer", any peace officer as defined in section 590.010, RSMo, any county, state, or federal parole officer, or any federal pretrial officer.

2. No county assessor shall release the home address or any other information contained in any of the assessor's records in any form, including any electronic format or any geographic information system, regarding any person who is a peace officer, or who is a member of the peace officer's immediate family. Any peace officer or member of the peace officer's immediate family desiring such information and address to remain confidential under this section shall send a written request to the assessor under this section, along with proof that such person is eligible to make a request under this section."; and

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

On motion of Representative Jones (117), **House Amendment No. 19** was adopted.

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

House Amendment No. 20

AMEND House Committee Substitute for Senate Bill No. 386, Page 59, Section 140.420, Line 9, by inserting after all of said line the following:

"141.160. 1. The general law relating to taxation and the collection of delinquent taxes, as now existing, shall apply to counties of the first class having a charter form of government insofar as not inconsistent with the provisions of sections 141.010 to 141.160, except that counties of the first class operating under a charter form of government may hereafter elect to operate under the provisions of chapter 140, RSMo, the general law relating to the collection of delinquent taxes, by the enactment of an ordinance by the legislative body of such county.

2. In addition to any other provisions of law related to delinquent tax collection fees, in all counties having a charter form of government and more than six hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.

3. The provisions of sections 141.010 to 141.160 shall not apply to counties of the first class not having a charter form of government, and such counties shall operate under the provisions of chapter 140, RSMo."; and

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

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

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

House Amendment No. 21

AMEND House Committee Substitute for Senate Bill No. 386, Section 233.103, Page 63, Line 9, by inserting immediately after all of said section and line the following:

“287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590, RSMo, if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department **or paid police officers of a paid police department certified under chapter 590, RSMo**, if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.”; and

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

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

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

House Amendment No. 22

AMEND House Committee Substitute for Senate Bill No. 386, Section 429.015, Page 77, Line 62, by inserting after all of said line the following:

“429.110. Whenever property is sought to be charged with a lien under sections 429.010 to 429.340, and the owner of the property so sought to be charged shall not be a resident of this state, or shall have no agent in the county in which said property is situate, or when such owner shall be a resident of the state, but conceals himself, or has absconded, or absents himself from his usual place of abode, so that the notice required by section 429.100 cannot be served upon him, then, and in every such case, such notice may be [filed] **recorded** with the recorder of deeds of the county in which such property is situate, and when [filed] **recorded** shall have like effect as if served upon such owner or his agent in the manner contemplated by section 429.100; [and a copy of such notice so filed, together with the certificate of such recorder of deeds that the same is a correct copy of the notice so filed, shall be received in all courts of this state as evidence of the service, as herein provided, of such notice; and the recorder of deeds in each county of this state shall receive, file and keep every such notice so presented to him for filing, and shall further record the same at length in a separate book appropriately entitled; and for such service so performed, such recorder shall receive for each notice the sum of twenty-five cents, and for each copy so certified as aforesaid of each of said notices, shall receive the sum of fifty cents, to be paid by the party so filing or procuring such certified copy, as the case may be,] **such notice shall be accompanied by an applicable fee for recording** and [the costs of filing and of one certified copy] shall be taxed as costs in any lien suit to which the same pertains, to abide the result of the suit.”; and

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

Representative Dougherty offered **House Amendment No. 1 to House Amendment No. 22.**

House Amendment No. 1

to

House Amendment No. 22

AMEND House Amendment No. 22 to House Committee Substitute for Senate Bill No. 386, Page 14, Section 56.700, Line 46, by inserting after all of said line the following:

"59.319. 1. A user fee of [four] **five** dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest.

2. An additional fee of three dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instruments specified in subdivisions (1) and (2) of section 59.330. The fees collected from this additional three dollars per recorded instrument shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury.

3. The state treasurer and the commissioner of administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the general revenue fund shall be credited as follows: the amount of [one dollar] **two dollars** for each fee collected under subsection 1 of this section to an account to be utilized for the purposes of sections [60.500] **60.510** to 60.610, RSMo; the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized by the secretary of state for additional preservation of local records; and the amount of three dollars collected under subsection 2 of this section into the Missouri housing trust fund as designated in section 215.034, RSMo."; and

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

Representative Dougherty moved that **House Amendment No. 1 to House Amendment No. 22** be adopted.

Which motion was defeated.

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

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

House Amendment No. 23

AMEND House Committee Substitute for Senate Bill No. 386, Section 319.015, Page 74, Line 106, by inserting immediately after said line the following:

"319.306. 1. Any individual who uses explosives in Missouri shall obtain a blaster's license, except those exempted in subsection 18 of this section. A person using explosives shall not be required to hold a blaster's license, but all blasting on behalf of a person using explosives shall be performed only by licensed blasters. Applications for a blaster's license or renewal of a blaster's license shall be on a form designated by the Missouri division of fire safety, and shall contain the following:

- (1) The applicant's full name;
- (2) The applicant's home address;
- (3) The applicant's date of birth;
- (4) The applicant's sex;
- (5) The applicant's physical description;
- (6) The applicant's driver's license number;
- (7) The applicant's current place of employment;
- (8) A listing of any other blasting license or certification held by the applicant, to include the name, address, and phone number of the regulatory authority that issued the license or certification;
- (9) Any other information required to fulfill the obligations of sections 319.300 to 319.345.

2. Any individual who has met the qualifications set forth in subsection 4 of this section may apply for a blaster's license.

3. An applicant for a blaster's license shall submit an application fee and two copies of the applicant's photograph with the application submitted to the division of fire safety. The amount of such fee shall be established by rule promulgated by the division of fire safety. The fee established by rule shall be no greater than the cost of administering this section, but shall not exceed one hundred dollars.

4. An applicant for a blaster's license shall:

- (1) Be at least twenty-one years of age;
- (2) Not have willfully violated any provisions of sections 319.300 to 319.345;
- (3) Not have knowingly withheld information or has not made any false or fictitious statement intended or likely to deceive in connection with the application;
- (4) Have familiarity and understanding of relevant federal and state laws relating to explosives materials;
- (5) Not have been convicted in any court of, or pled guilty to, a felony;
- (6) Not be a fugitive from justice;
- (7) Not be an unlawful user of any controlled substance in violation of chapter 195, RSMo;
- (8) Except as provided in subsections 11 and 13 of this section, have completed an approved blaster's training course that meets the requirements of subsection 14 of this section and [has] **have** successfully passed the licensing examination under the provisions of subdivisions (1) to (5) of subsection 15 of this section;
- (9) Have accumulated at least one thousand hours of experience directly relating to the use of explosives within two years immediately prior to applying for a blaster's license and shall provide signed documentation from an employer, supervisor, or other responsible party verifying the applicant's experience;
- (10) Not have been adjudicated as mentally defective; and
- (11) Not advocate or knowingly belong to any organization or group that advocates violent action against any federal, state, or local government, or against any person.

5. Any individual holding a blaster's license under the provisions of this section shall promptly notify the division of fire safety if he or she has had any change of material fact relating to any qualification for holding a blaster's license.

6. If the division of fire safety finds that the requirements for a blaster's license have been satisfied, a license shall be issued to the applicant.

7. A blaster's license shall expire three years from the date of issuance. To qualify for a renewal of a blaster's license, an individual will be required to provide documentation of completing eight hours of training in an explosives-related course of instruction that is approved by the division of fire safety, at least half of which shall have been completed within the year prior to renewal. The remainder of such training for renewal of the license may be acquired at any time during the three-year period that a license is valid. Additional training beyond an accumulated eight hours during any three-year period is not valid for more than one subsequent renewal of the license.

8. Each license issued under the provisions of this section shall provide documentation to the license holder in the form of a letter or letter-sized certificate and a card that is approximately two inches by three inches in size. Each shall specify a unique license number, the name of the individual, his or her driver's license number, the individual's photograph, the blaster's license's effective date and its expiration date, and any other record-keeping information needed by the division of fire safety. In addition, the card form of the license shall contain a photographic image of the license holder.

9. Each individual required to have a blaster's license shall keep at least one form of license documentation on his or her person or at the site of blasting and shall provide documentation that he or she has a currently valid license to a representative of the division of fire safety upon a written or verbal request. No enforcement action shall be taken against any individual that cannot comply with such a request so long as the division of fire safety's records provide documentation that the individual has a valid blaster's license.

10. (1) A blaster's license issued under the provisions of this section may be suspended or revoked by the division of fire safety upon substantial proof that the individual holding the license has:

- (a) Knowingly failed to monitor the use of explosives as provided in section 319.309;
- (b) Negligently or habitually exceeded the limits established under section 319.312;
- (c) Knowingly or habitually failed to create a record of blasts as required by section 319.315;
- (d) Had a change in material fact relating to their qualifications for holding a blaster's license as described in subsection 4 of this section;
- (e) Failed to advise the division of fire safety of any change of material fact relating to his or her qualifications for holding a blaster's license; or
- (f) Knowingly made a material misrepresentation of any information by any means of false pretense, deception, fraud, misrepresentation, or cheating for the purpose of obtaining training or otherwise meeting the qualifications of obtaining a license.

(2) The division of fire safety shall provide any notice of suspension or revocation, as provided in subdivision (1) of this subsection, in writing, sent by certified mail to the last known address of the holder of the license. The notice may also be verbal, but this does not eliminate the requirement for written notice. Upon receipt of a verbal or written notice of suspension or revocation from the division of fire safety, the individual holding the license shall immediately surrender all copies of the license to a representative of the division of fire safety and shall immediately cease all blasting activity.

(3) The individual holding the license may appeal any suspension or revocation to the state blasting safety board established under section 319.324 within forty-five days of the date written notice was received. The division of fire safety shall immediately notify the chairman of the board that an appeal has been received and a hearing before the board shall be held. The board shall consider and make a decision on any appeal received by the division of fire safety within thirty days of the date the appeal is received by the division of fire safety. The board shall make a decision on the appeal by majority vote of the board and shall immediately notify the licensee of its decision in writing. The written statement of the board's decision shall be prepared by the division of fire safety or its designee and shall be approved by the chairman of the board. The approved statement of the board's decision shall be sent by certified mail to the last known address of the holder of the license.

11. Any individual whose license has been expired for a period of three years or less shall be required to successfully pass the examination as provided in subdivisions (1) to (5) of subsection 15 of this section and attend the eight hours of training required for renewal of a license as minimum qualifications for submitting an application for reinstatement of the license. Any individual whose license has been expired for a period of more than three years shall meet the qualifications set forth in subsection 4 of this section, including completing twenty hours of training and passing the examination, prior to applying for a blaster's license.

12. A license may be granted to applicants who within the last three years have held a valid license or certification from any other source if all of the qualifications for obtaining the license or certification meet or exceed the provisions of this section. It is the duty of the division of fire safety to investigate the qualifications required for obtaining a license or certification from any other source. Licenses or certification held prior to the effective date of the rule required by subsection 19 of this section shall be deemed to meet requirements for this subsection, provided that they meet requirements of the rule.

13. A license may be granted upon the application of an individual employed as a blaster on or before December 31, 2000, and who has accumulated one thousand hours of training or education pertaining to blasting and experience working for a specific person using explosives within two years immediately prior to applying for a license. The application shall include a statement of hours of experience in the form of an affidavit signed by the person using explosives who has employed or contracted with the blaster for the preceding two years. Such applicant also shall meet the requirement of subdivisions (1), (2), (3), (4), (5), (6), (7), (10), and (11) of subsection 4 of this section. Any individual granted a license under this subsection shall be limited to blasting performed for the person using explosives submitting the affidavit required by this subsection. Such licensee shall meet the requirements for continuing training required by subsection 7 of this section.

14. (1) The division of fire safety or its authorized agent shall offer annually at least two courses of instruction that fulfill the training requirement of qualifying for a blaster's license and two courses that fulfill the training requirement for renewal of a blaster's license. In addition, any person may apply to the division of fire safety for approval of a course of instruction that meets the training requirement of obtaining a blaster's license or renewal of a blaster's license. The application shall include a description of the qualifications of the instructor, a description of instructional materials to be used in the course, and an outline of the subject matter to be taught, including minimum hours of instruction on each topic. The division of fire safety shall review the application regarding the knowledge and experience of proposed instructors, the total hours of training and the adequacy of proposed training in subject matter with regard to the provisions of sections 319.300 to 319.345. If the division of fire safety determines that training proposed by the applicant is adequate, a letter of approval shall be issued to the applicant. The letter of approval shall be effective for a period of three years. If at any time the division of fire safety determines that an approved training course no longer meets the standards of this section, the letter of approval may be revoked with written notice. The division of fire safety or any person providing a course of instruction may charge an appropriate fee to recover the cost of conducting such instruction.

(2) To be approved by the division of fire safety, a blaster's training course shall contain at least twenty hours of instruction to prepare attendees for obtaining a blaster's license the first time, or eight hours of instruction to prepare attendees for obtaining a license renewal.

(3) Any person providing training in a course of instruction approved by the division of fire safety shall submit a list of individuals that attended any such course to the division of fire safety within ten business days after completion of the course.

(4) The division of fire safety shall maintain a current list of persons who provide approved training and shall make this list available by any reasonable means to professional and trade associations, labor organizations, universities, vocational schools, and others upon request.

15. (1) The division of fire safety shall approve a standard examination or examinations for the purpose of qualifying an individual to obtain a blaster's license. Each individual taking the examination shall pay a fee to the division of fire safety, or the division's agent, that is established by rule. Testing fees shall be no greater than what is required to administer the testing provisions of this section and shall not exceed fifty dollars per test.

(2) Except as provided in subsection 11 of this section, no individual shall be allowed to take an examination for purposes of obtaining a blaster's license unless that individual has completed a training course approved by the division of fire safety. The individual must have completed an approved course of instruction as provided in subdivision (1) of subsection 14 of this section no longer than two years prior to taking the examination. The examination may be administered by any person approved to provide a course of instruction, as provided in subdivision (1) of subsection 14 of this section, at the site of instruction, provided that any such examination may, at the discretion of the state fire marshal, be conducted under the supervision of the division of fire safety. The division of fire safety may also administer such examinations at other times and locations.

(3) Standards for passing the examination shall be set by the division of fire safety by rule.

(4) The division of fire safety or its authorized agent shall provide a written statement within thirty days to the individual taking the examination as to whether that individual passed or failed.

(5) Any individual failing to pass the examination may retake the examination within six months without having to complete an additional approved course of instruction. If the individual fails the second examination, the person must complete another course of instruction as required in subdivision (1) of subsection 14 of this section before

taking the examination again. No limit will be placed on how many times any individual may take the examination, subject to the provisions of this subdivision .

(6) Individuals having previously taken an approved blaster's training course, and passed an approved examination, and having taken an approved blaster's renewal training course, or that have obtained a blaster's license as provided in subsections 12 and 13 of this section are eligible for renewal of a blaster's license after meeting the requirements of subsection 7 of this section. The fee for renewal of a license shall be the same as the fee specified in subsection 3 of this section.

16. No individual shall load or fire explosives or direct, order, or otherwise cause any individual to load or fire explosives in this state unless that individual has a valid blaster's license or is under the direct supervision and responsibility of an individual having a valid blaster's license. For purposes of this section, "direct supervision" means the supervisor is physically present on the same job site as the individual who is loading or firing explosives. An individual without a blaster's license who is loading or firing explosives while under the direct supervision and responsibility of someone having a blaster's license shall not be in violation of sections 319.300 to 319.345.

17. Persons found guilty of loading or firing explosives, or directing, ordering, or otherwise causing any individual to load or fire explosives in this state without having a valid blaster's license, or that loads and fires explosives without being under the direct supervision and responsibility of an individual holding a blaster's license as provided in sections 319.300 to 319.345, [shall be] **is** guilty of a class B misdemeanor for the first offense or a class A misdemeanor for a second or subsequent offense. Any individual convicted of a class A misdemeanor under the provisions of sections 319.300 to 319.345 shall be permanently prohibited from obtaining a blaster's license in this state.

18. The requirement for obtaining a blaster's license shall not apply to:

(1) Individuals employed by universities, colleges, or trade schools when the use of explosives is confined to instruction or research;

(2) Individuals using explosive materials in the forms prescribed by the official U.S. Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;

(3) Individuals conducting training or emergency operations of any federal, state, or local government including all departments, agencies, and divisions thereof, provided they are acting in their official capacity and in the proper performance of their duties or functions;

(4) Individuals that are members of the armed forces or any military unit of Missouri or the United States who are using explosives while on official training exercises or who are on active duty;

(5) Individuals using pyrotechnics, commonly known as fireworks, including signaling devices such as flares, fuses, and torpedoes;

(6) Individuals using small arms ammunition and components thereof which are subject to the Gun Control Act of 1968, 18 U.S.C., Section 44, and regulations promulgated thereunder;

(7) Any individual performing duties in underground mines regulated by 30 CFR Part 48, Subpart A, 30 CFR Part 57, or performing duties in coal mining regulated by 30 CFR Part 75, and 30 CFR Part 77 of the Code of Federal Regulations, as amended, or using explosives within an industrial furnace;

(8) Any individual having a valid blaster's license or certificate issued under the provisions of any requirement of the U.S. government in which the requirements for obtaining the license or certificate meet or exceed the requirements of sections 319.300 to 319.345;

(9) Individuals using agricultural fertilizers when used for agricultural or horticultural purposes;

(10) Individuals handling explosives while in the act of transporting them from one location to another;

(11) Individuals assisting or training under the direct supervision of a licensed blaster;

(12) Individuals handling explosives while engaged in the process of explosives manufacturing;

(13) Employees, agents, or contractors of rural electric cooperatives organized or operating under chapter 394, RSMo; [and]

(14) Individuals discharging historic firearms and cannon or reproductions of historic firearms and cannon;

and

(15) Individuals using explosive materials along with a well screen cleaning device for the purpose of unblocking clogged screens of agricultural irrigation wells.

19. The division of fire safety shall promulgate rules under this section to become effective no later than July 1, 2008. Any individual loading or firing explosives after the effective date of such rule shall obtain a license within one hundred eighty days of the effective date of such rule. Any experience or training prior to the effective date of such rule that meets the standards established by the rule shall be deemed to comply with this section.

319.321. Sections 319.309, 319.312, 319.315, and 319.318 shall not apply to:

(1) Universities, colleges, or trade schools when confined to the purpose of instruction or research;

(2) The use of explosive materials in the forms prescribed by the official U.S. Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;

(3) The training or emergency operations of any federal, state, or local government including all departments, agencies, and divisions thereof, provided they are acting in their official capacity and in the proper performance of their duties or functions;

(4) The use of explosives by the military or any agency of the United States;

(5) The use of pyrotechnics, commonly known as fireworks, including signaling devices such as flares, fuses, and torpedoes;

(6) The use of small arms ammunition and components thereof which are subject to the Gun Control Act of 1968, 18 U.S.C., Section 44, and regulations promulgated thereunder. Any small arms ammunition and components thereof exempted by the Gun Control Act of 1968 and regulations promulgated thereunder are also exempted from the provisions of sections 319.300 to 319.345;

(7) Any person performing duties using explosives within an industrial furnace **or using explosives along with a well screen cleaning device for the purpose of unblocking clogged screens of agricultural irrigation wells;**

(8) The use of agricultural fertilizers when used for agricultural or horticultural purposes;

(9) The use of explosives for lawful demolition of structures;

(10) The use of explosives by employees, agents, or contractors of rural electric cooperatives organized or operating under chapter 394, RSMo; and

(11) Individuals discharging historic firearms and cannon or reproductions of historic firearms and cannon."; and

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

On motion of Representative Brandom, **House Amendment No. 23** was adopted.

Representative Roorda offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Committee Substitute for Senate Bill No. 386, Section 67.304, Page 18, Line 32, by inserting the following at the end of said line:

"The governing body may deny a permit for street solicitation on a particular street or intersection for safety reasons, but must provide alternative sites."; and

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

On motion of Representative Roorda, **House Amendment No. 24** was adopted.

Representative Ruzicka offered **House Amendment No. 25**.

House Amendment No. 25

AMEND House Committee Substitute for Senate Bill No. 386, Section 71.275, Page 28, Line 16, by inserting immediately after said line the following:

"78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.

(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.

(3) The city clerk shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot."; and

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

On motion of Representative Ruzicka, **House Amendment No. 25** was adopted.

Representative Corcoran offered **House Amendment No. 26**.

House Amendment No. 26

AMEND House Committee Substitute for Senate Bill No. 386, Section 233.103, Page 63, Line 9, by inserting after all of said line the following:

"249.422. 1. If approved by a majority of the voters voting on the proposal, any city, town, village or county on behalf of the unincorporated area, located either within the boundaries of a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution or within any county of the first classification having a charter form of government with a population of more than two hundred ten thousand inhabitants but less than three hundred thousand inhabitants, may by city, town, village or county ordinance levy and impose annually for the repair of lateral sewer service lines on or connecting residential property having six or less dwelling units a fee not to exceed fifty dollars per year. Any city, town, village, or county that establishes or increases the fee used to repair any portion of the lateral sewer service line shall include all defective portions of the lateral sewer service line from the residential structure to its connection with the public sewer system line. Notwithstanding any provision of chapter 448, RSMo, the fee imposed pursuant to this chapter shall be imposed upon condominiums that have six or less condominium units per building and each condominium unit shall be responsible for its proportionate share of any fee charged pursuant to this chapter, and in addition, any condominium unit shall, if determined to be responsible for and served by its own individual lateral sewer line, be treated as an individual residence regardless of the number of units in the development. It shall be the responsibility of the condominium owner or condominium association who are of the opinion that they are not properly classified as provided in this section to notify the county office administering the program. Where an existing sewer lateral program was in effect prior to August 28, 2003, condominium and apartment units not previously enrolled may be ineligible for enrollment if it is determined that the sewer lateral serving the unit is defective.

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

Shall a maximum charge not to exceed fifty dollars be assessed annually on residential property for each lateral sewer service line serving six or less dwelling units on that property and condominiums that have six or less condominium units per building and any condominium responsible for its own individual lateral sewer line to provide funds to pay the cost of certain repairs of those lateral sewer service lines which may be billed quarterly or annually?

YES

NO

3. If a majority of the voters voting thereon approve the proposal provided for in subsection 2 of this section, the governing body of the city, town, village or county may enact an ordinance for the collection and administration of such fee in order to protect the public health, welfare, peace and safety. The **encumbered** funds collected pursuant to such ordinance shall be deposited in a special account to be used solely for the purpose of paying for all or a portion of the costs reasonably associated with and necessary to administer and carry out the defective lateral sewer service line repairs. All interest generated on deposited funds shall be accrued to the special account established for the repair of lateral sewer service lines. **The governing body of any county, city, town, or village may annually declare that unencumbered funds held in the special account are surplus, and may transfer such funds as provided in section 67.050, RSMo.**"; and

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

On motion of Representative Corcoran, **House Amendment No. 26** was adopted.

Representative Hummel offered **House Amendment No. 27**.

House Amendment No. 27

AMEND House Committee Substitute for Senate Bill No. 386, Section 320.097, Page 74, Lines 1 - 29, by deleting all of said section from the bill; and

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

Representative Icet resumed the Chair.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

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	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	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: 068

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	Hoskins 80	Hummel
Jones 63	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meiners
Morris	Nasheed	Norr	Oxford	Pace
Quinn	Roorda	Rucker	Salva	Scavuzzo
Schieffer	Schoemehl	Schupp	Shively	Skaggs

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Still	Storch	Swinger	Talboy	Todd
Walsh	Walton Gray	Webb	Webber	Wildberger
Witte	Yaeger	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

El-Amin	Funderburk	Hughes	Kander	Lipke
Meadows	Schlottach	Spreng	Vogt	

Representative Hummel moved that **House Amendment No. 27** be adopted.

Which motion was defeated.

Representative Salva offered **House Amendment No. 28**.

House Amendment No. 28

AMEND House Committee Substitute for Senate Bill No. 386, Section 67.456, Page 21, Line 21, by inserting immediately after all of said section and line the following:

“67.1360. The governing body of:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred ;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants; [or]

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants; **or**

(33) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt;

may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

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

Speaker Pro Tem Pratt resumed the Chair.

Representative Nance offered **House Amendment No. 1 to House Amendment No. 28.**

House Amendment No. 1
to
House Amendment No. 28

AMEND House Amendment No. 28 to House Committee Substitute for Senate Bill No. 386, Page 5, Line 18, by deleting the word “**or**” on said line; and

Further amend said amendment and page, Line 21, by inserting after the semicolon “;” on said line the following:

“**or**

(34) Any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county;”; and

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

Representative Nance moved that **House Amendment No. 1 to House Amendment No. 28** be adopted.

Which motion was defeated.

Representative Salva moved that **House Amendment No. 28** be adopted.

Which motion was defeated.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

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	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	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: 068

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

PRESENT: 000

ABSENT WITH LEAVE: 009

Calloway	El-Amin	Funderburk	Hughes	Lipke
Meadows	Schlottach	Spreng	Vogt	

On motion of Representative Brown (30), **HCS SB 386, as amended**, was adopted.

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On motion of Representative Brown (30), **HCS SB 386, as amended**, was read the third time and passed by the following vote:

AYES: 090

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Casey	Cooper	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dieckhaus	Diehl	Dixon	Dougherty	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Gatschenberger	Grisamore	Guernsey	Guest
Hobbs	Hodges	Icet	Jones 89	Jones 117
Keeney	Kelly	Kingery	Kuessner	Lair
Lampe	Leara	LeBlanc	Liese	McGhee
McNary	McNeil	Meiners	Molendorp	Munzlinger
Nasheed	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Schaaf	Scharnhorst	Schieffer	Self	Silvey
Smith 14	Storch	Stream	Sutherland	Talboy
Thomson	Tilley	Wallace	Wasson	Wells
Weter	Wilson 119	Wright	Zerr	Mr Speaker

NOES: 062

Bringer	Brown 73	Burnett	Carter	Chappelle-Nadal
Colona	Davis	Dethrow	Dugger	Dusenberg
Emery	Englund	Ervin	Frame	Harris
Holsman	Hoskins 80	Hoskins 121	Hummel	Jones 63
Kander	Kirkton	Koenig	Komo	Kratky
Kraus	Largent	LeVota	Loehner	Low
McClanahan	McDonald	Morris	Nance	Oxford
Pace	Pratt	Quinn	Scavuzzo	Schad
Schoeller	Schoemehl	Schupp	Shively	Skaggs
Smith 150	Still	Swinger	Todd	Tracy
Viebrock	Walsh	Walton Gray	Webb	Webber
Wildberger	Wilson 130	Witte	Wood	Yaeger
Yates	Zimmerman			

PRESENT: 001

Grill

ABSENT WITH LEAVE: 010

Calloway	El-Amin	Funderburk	Hughes	Lipke
Meadows	Schlottach	Spreng	Stevenson	Vogt

Speaker Pro Tem Pratt declared the bill passed.

COMMITTEE REPORTS

Special Standing Committee on General Laws, Chairman Jones (89) reporting:

Mr. Speaker: Your Special Standing Committee on General Laws, to which was referred **HCR 48**, 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.

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 48

WHEREAS, it is the goal of the Missouri General Assembly to promote better health outcomes for Missourians by exploring innovation and life sciences, high-tech jobs, and economic growth; and

WHEREAS, bioscience firms conducting business in Missouri are actively facilitating life science discovery to develop medicines targeting cancers, rare diseases, and other critical conditions which will lead to significant economic development opportunities; and

WHEREAS, biopharmaceutical companies supported a total of 65,192 jobs in Missouri in 2006 - 10,884 directly in the sector and 54,307 in other sectors; and

WHEREAS, direct biopharmaceutical wages in Missouri were estimated to be \$1 billion in 2006, resulting in an estimated \$251.1 million in federal taxes and \$39.5 million in state taxes; and

WHEREAS, in 2008, United States scientists and researchers were conducting 21,795 studies to develop medicines targeting cancers, rare diseases, and other important conditions, with 2,397 of these trials active in Missouri; and

WHEREAS, Missouri has research universities and bioscience companies which play a key role in the discovery of cures and treatments for diseases that were previously thought incurable, and the Missouri General Assembly wishes to ensure that these universities and companies remain viable to develop medicines that promote public health, encourage job creation, and foster economic growth; and

WHEREAS, on average, it requires over \$1.2 billion and 10-15 years to discover, develop, and secure United States Food and Drug Administration (FDA) approval to bring a new biologic medicine to the market, and it is imperative that bioscience companies are able to recoup sufficient financial returns to justify investing in this critically important enterprise; and

WHEREAS, biologics are today's most advanced medicines and include many of the latest breakthrough medical therapies for serious and life-threatening illnesses such as cancer, multiple sclerosis, diabetes, HIV/AIDS, and many serious rare diseases; and

WHEREAS, the Missouri General Assembly believes that balanced biosimilar legislation should include a provision that provides pioneer bioscience companies with 14 years of exclusive use of the costly, proprietary data they must produce to secure FDA approval before a biosimilar manufacturer may acquire this data without cost; and

WHEREAS, the Missouri General Assembly wishes to ensure that patient safety is the primary concern of the FDA when approving both pioneer and biosimilar drugs, and the Missouri General Assembly wants to ensure that biosimilar manufacturers be required to duplicate all tests required of the pioneer manufacturer; and

WHEREAS, the Missouri General Assembly believes that all Missourians will benefit from more affordable and more innovative biological medicines to improve health outcomes, as well as by the creation of jobs and economic growth associated with bioscience research and development activities conducted by universities and bioscience industry:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby urges the United States Congress to adopt balanced biosimilar legislation that provides reasonable incentives that will foster the research and development of next generation, life-saving biological medicines as well as job creation and economic expansion, and encourages the creation of a transparent, science-based regulatory review system that will allow a fair and prompt FDA review of biosimilar products so consumers may benefit from increased price competition as soon as appropriate; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

Committee on Rules, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HR 1388**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 1388

WHEREAS, domestic violence negatively impacts Missouri families, both physically and emotionally, resulting in needless death and injury; and

WHEREAS, according to the Missouri Uniform Crime Reporting Program:

- (1) There were 37,245 reported acts of domestic violence in 2007;
- (2) There were 35 homicides related to domestic violence in 2007;
- (3) There have already been 3,119 reported acts of domestic violence from January 1 to March 16, 2009; and

WHEREAS, one of the main contributors of domestic violence is lack of knowledge of its causes; and

WHEREAS, many victims are unaware of resources that could help them avoid or get out of a domestic violence situation; and

WHEREAS, on August 29, 2006, Amanda Kay Cates, a police officer and young woman, ten days past her 26th birthday became a fatality of domestic violence; and

WHEREAS, Amanda, who dedicated herself to the citizens of the State of Missouri and especially to children and young adults as a school resource officer, can no longer speak to and on behalf of those she worked and cared for; and

WHEREAS, in order to bring attention to domestic violence and encourage all Missouri citizens to educate themselves and be willing to openly discuss and address the issue of domestic violence in our State, time should be set aside for remembrance of all victims of domestic violence:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-fifth General Assembly, hereby recognize October 14, 2009, as "Amanda Kay Cates Day" in Missouri to remember all victims of domestic violence; and

BE IT FURTHER RESOLVED that the Missouri House of Representatives encourages all citizens of the State of Missouri to observe the day through activities which will increase awareness of domestic violence and educate the public.

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 27**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 167**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 253**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SCS SBs 335 & 16**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SB 396**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 538**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

SCR 13 - Rules

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SCS#2 SB 9 - Fiscal Review (Fiscal Note)

HCS SCS SB 253 - Fiscal Review (Fiscal Note)

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS HCR 16**.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Committee Substitute for House Concurrent Resolution No. 16, Page 455, Line 45, by inserting after the word "Missouri" the following:

"or the state of Kansas".

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 83**, entitled:

An act to repeal sections 407.1240, 407.1243, and 407.1249, RSMo, and to enact in lieu thereof three new sections relating to travel clubs.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 91**, and has taken up and passed **CCS SCS HB 91**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 124**.

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 152**, entitled:

An act to repeal sections 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof three new sections relating to the DNA profiling system, with penalty provisions.

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 231**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 273**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 282**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 283**, entitled:

An act to repeal section 393.829, RSMo, and to enact in lieu thereof one new section relating to nonprofit sewer districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 289**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 373**.

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 381**, entitled:

An act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to fee agent offices.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SS SCS HB 395**, as **amended**, and has taken up and passed **CCS SS SCS HB 395**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 427**, as **amended**, and has taken up and passed **CCS SCS HCS HB 427**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 485**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 490**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 525**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 537**.

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 580**, entitled:

An act to repeal section 287.090, RSMo, and to enact in lieu thereof two new sections relating to compensation for emergency personnel killed in the line of duty, with an emergency clause.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 580, Page 4, Section 287.243, Lines 29 - 47, by striking all of said lines and inserting in lieu thereof the following:

"(5) "Killed in the line of duty", when a person defined in this section loses one's life as a result of an injury received in the active performance of his or her duties within the ordinary scope of his or her respective profession while the individual is on duty and but for the individual's performance, death would have not occurred."

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 **HB 652**, entitled:

An act to repeal section 1.020, RSMo, and to enact in lieu thereof one new section relating to the definition of certified mail.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Bill No. 652, Page 1, Section 1.020, Line 3, by inserting immediately after the word "includes" the following:

"certified mail carried by the United States Postal Service, or"; and

Further amend Line 5, by inserting immediately after "location" the following:

"and provides record of the signature of the recipient".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 682**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 685**.

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

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 734**, entitled:

An act to repeal sections 644.036, 644.054, 701.500, 701.503, and 701.506, RSMo, and to enact in lieu thereof six new sections relating to programs administered through the department of natural resources.

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

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 734, Page 1, Section Title, Lines 4 and 5 of said page, by striking the following:

"programs administered through the department of"; and

Further amend said bill, Page 9, Section 701.506, Line 5 of said page, by inserting after all of said line the following:

"Section 1. 1. There is hereby established a joint committee of the general assembly, which shall be known as the "Joint Committee on Missouri's Energy Future", which shall be composed of five members of the senate, with no more than three members of one party, and five members of the house of representatives, with no more than three members of one party. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house. The committee shall select either a chairman or co-chairmen, one of whom shall be a member of the senate and one a member of the house. A majority of the members shall constitute a quorum. Meetings of the committee may be called at such time and place as the chairman or chairmen designate.

2. The committee shall examine Missouri's present and future energy needs to determine the best strategy to ensure a plentiful, affordable and clean supply of electricity that will meet the needs of the people and businesses of Missouri for the next twenty five years and ensure that Missourians continue to benefit from low rates for residential, commercial, and industrial energy consumers.

3. The joint committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The committee may make reasonable requests for staff assistance from the research and appropriations staffs of the house and senate and the committee on legislative research, as well as the department of economic development, department of natural resources, and the public service commission.

4. The joint committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the general assembly by December 31, 2009, at which time the joint committee shall be dissolved.

5. Members of the committee shall receive no compensation but may be reimbursed for reasonable and necessary expenses associated with the performance of their official duties.

Section B. Because of the critical need for reliable and affordable energy, section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 1 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 734, Page 1, Section Title, Line 4 of the title, by striking said line and inserting in lieu thereof the following:

"sections relating to the administration of programs"; and

Further amend Line 5 of the title, by striking all of said line and inserting in lieu thereof the following:

"pertaining to natural resources"; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by inserting immediately after said line the following:

"266.331. Every distributor shall, within thirty days after each six-months' period ending June thirtieth and December thirty-first, file with the director on forms supplied by him, a sworn certificate setting forth the information required by the director by rule. At the time of filing said certificate, each distributor **of fertilizer, excluding manipulated animal or vegetable manure**, shall pay to the director the fee prescribed by the director by rule, which fee shall not exceed one dollar per ton and one dollar ten cents per metric ton; except that, sales to fertilizer manufacturers or exchanges between them are hereby exempted. **Each distributor of fertilizer consisting of manipulated animal or vegetable manure shall pay to the director a fee paid for each ton of manure as prescribed by the director by rule, which fee shall not exceed two cents for each percent nitrogen for manure containing less than five percent nitrogen; or which fee shall not exceed four cents for each percent nitrogen for manure containing at least five but less than ten percent nitrogen; or which fee shall not exceed six cents for each percent**

nitrogen for manure containing ten or more percent nitrogen. In the event that the director has not prescribed a fee under this section, each distributor required to pay a fee under this section shall pay a fee of one and one-half cents for each one hundred pounds of fertilizer sold by him during the period covered by the certificate filed under this section. The fees so paid to the director shall be used for defraying the expenses in administering sections 266.291 to 266.351 and the rules promulgated under sections 266.291 to 266.351, and for practical and scientific experiments by the Missouri agricultural experiment station in the value and proper use of fertilizers. Such fees may also be used to support such related research and methodology, publications, and educational programs extending the results of the fertilizer experiments as may be of practical use to the farmers of this state."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 734, Page 1, Section Title, Lines 4 and 5 of said page, by striking the following:

"programs administered through the department of"; and

Further amend said bill and page, Section A, Line 4 of said page, by inserting after all of said line the following:

"8.305. 1. Any appliance purchased with state moneys or a portion of state moneys shall be an appliance that has earned the Energy Star under the Energy Star program co-sponsored by the United States Department of Energy and the United States Environmental Protection Agency. For purposes of this section, the term "appliance" shall have the same meaning as in section 144.526, RSMo.

2. The commissioner of the office of administration may exempt any appliance from the requirements of subsection 1 of this section when the cost of compliance is expected to exceed the projected energy cost savings gained.

3. The provisions of this section shall expire on August 28, 2011.

8.824. 1. Any state building constructed or substantially renovated after August 28, 2009, shall achieve either:

(1) The silver-level certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design program; or

(2) At least a three globes rating under the green globes design environmental building assessment.

In cases where the requirements of this section conflict with any other requirement for state buildings under this chapter, the more stringent requirement shall apply.

2. The commissioner of the office of administration may exempt any building from the requirements of subsection 1 of this section:

(1) When compliance may compromise the safety of the building or any of its occupants; or

(2) When the cost of compliance is expected to exceed the projected energy cost savings gained.

3. The provisions of subsection 1 of this section shall not apply to any building owned or occupied by a public institution of higher education."; 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 President Pro Tem has appointed Senators Purgason, Callahan and Days to replace Senators Stouffer, Shoemyer and Barnitz on the Conference Committee on **SCS HB 745, as amended.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 811**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 826**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 859**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 883**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 895**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 918**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 919**.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 464**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 464, with House Amendments Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 464, as amended;
2. The Senate recede from its position on Senate Bill No. 464;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 464, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Stouffer
/s/ Dan Clemens
/s/ Carl Vogel
/s/ Rita Heard Days
/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Brian Yates
/s/ Chris Molendorp
/s/ Steve Hobbs
/s/ Albert Liese
/s/ Mike Colona

The following member's presence was noted: Meadows.

ADJOURNMENT

On motion of Representative Tilley, the House adjourned until 10:00 a.m., Wednesday, May 13, 2009.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Sixty-ninth Day, Thursday, May 7, 2009, Page 1711, Line 13, by inserting immediately after said line the following:

"Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 13** and has taken up and passed **CCS SCS HB 13**."

COMMITTEE MEETINGS

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 13, 2009, 8:45 a.m. Hearing Room 6.

Executive session.

FISCAL REVIEW

Wednesday, May 13, 2009, 8:30 a.m. Hearing Room 1.

All bills referred to committee. CANCELLED

Executive session may follow.

FISCAL REVIEW

Wednesday, May 13, 2009, Hearing Room 1 upon evening adjournment.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Thursday, May 14, 2009, 8:30 a.m. Hearing Room 1.

All bills referred to committee.

Executive session may follow.

FISCAL REVIEW

Friday, May 15, 2009, 8:30 a.m. Hearing Room 1.

All bills referred to committee.

Executive session may follow.

RULES

Wednesday, May 13, 2009, 12:00 p.m. Hearing Room 6.

Possible Executive session. CANCELLED

Public hearing to be held on: SCR 13

RULES

Wednesday, May 13, 2009, Hearing Room 5 upon evening recess or 8:30 p.m., whichever is later.

Any bill referred to the Rules Committee.

Possible Executive session.

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

Wednesday, May 13, 2009, Hearing Room 5 upon evening adjournment.

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

Possible Executive session.

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

Thursday, May 14, 2009, Hearing Room 5 upon evening adjournment.

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

Possible Executive session.

HOUSE CALENDAR

SEVENTY-SECOND DAY, WEDNESDAY, MAY 13, 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 BILLS FOR THIRD READING - CONSENT

- 1 HCS SB 421, E.C. - Cunningham
- 2 SB 66 - Hoskins (121)
- 3 SCS SB 127 - Funderburk
- 4 SCS SB 265 - Jones (89)
- 5 HCS SCS SB 152 - Loehner

SENATE BILLS FOR THIRD READING

- 1 SCS SB 153 - Cunningham
- 2 HCS SB 485, E.C. - Diehl
- 3 SB 368 - Jones (117)
- 4 HCS SCS SB 188 - Jones (89)
- 5 HCS SB 480 - Quinn
- 6 HCS SB 55, E.C. - Wallace
- 7 HCS SS SB 58 - Dixon
- 8 HCS SB 26 - Nolte
- 9 HCS SS SCS SB 539, E.C. - Ruzicka
- 10 SCS SB 37 - Jones (89)
- 11 HCS SS SCS SB 89 - Bruns
- 12 HCS SCS SB 93 - Deeken
- 13 HCS#2 SB 114 - Tracy
- 14 SB 126 - Yates
- 15 HCS SS SCS SB 128, E.C. - Denison
- 16 HCS SS SB 172, E.C. - Walsh
- 17 HCS SB 262 - Stevenson
- 18 HCS SS SCS SB 376 - Bivins
- 19 HCS SCS#2 SB 9, (Fiscal Review 5-12-09), E.C. - Wilson (130)
- 20 HCS SCS SB 253, (Fiscal Review 5-12-09), E.C. - Diehl

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 2, (3-05-09, Page 491) - Tracy

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS HB 259, as amended - Tilley
- 2 HCS HCR 16, SA 1 - Tracy
- 3 SCS HCS HB 580, as amended, E.C. - Bruns
- 4 SS HCS HB 152 - Ruestman
- 5 SCS HB 83 - Wood
- 6 HB 652, SA 1 - Pratt
- 7 SCS HB 283 - Wood
- 8 SS HCS HB 381 - Silvey
- 9 SS SCS HB 734, as amended, E.C. - Ruzicka

BILLS IN CONFERENCE

- 1 HCS SB 171, as amended - Schlottach
- 2 CCR HCS SB 464, as amended, E.C. - Yates
- 3 CCR#2 SS HCS HB 154, as amended - Ruestman
- 4 SS SCS HB 376, as amended, E.C. - Hobbs
- 5 CCR HCS HB 246, SA 1 - Loehner
- 6 HCS SB 435 - Brown (149)
- 7 HCS SCS SBs 36 & 112 - Wasson
- 8 SCS HB 745, as amended - Loehner
- 9 HCS SCS SB 216, as amended - Cunningham

SENATE CONCURRENT RESOLUTIONS

- 1 SCR 8, (3-05-09, Pages 493-494) - Wright
- 2 SCR 5, (3-05-09, Pages 491-493) - Sander
- 3 SCR 27, (4-30-09, Pages 1437-1438) - Diehl

HOUSE RESOLUTIONS

- 1 HR 515, (4-22-09, Pages 1218-1219) - Jones (117)
- 2 HR 1388, (5-12-09) - Harris