

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

SEVENTY-SECOND DAY, WEDNESDAY, MAY 13, 2009

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend Phillip McClendon.

Gracious Father, our morning prayer is like being amazed by deposits in our checking account from unexpected sources. We are astounded by Your goodness. You know what we will need for today and You deposit the required amounts of insight, discernment, and vision in our minds.

You fill the wells of our hearts to overflowing with the added courage and determination that are necessary for the demands of today. Even now, we feel the fresh strength of Your Spirit energizing our bodies. We should not be surprised. You have promised that, "As your days, so shall your strength be". (*Deuteronomy 33:25*)

Bless the women and men of this House and all who work with and for them that this will be a day in which we draw on Your limitless resources for dynamic leadership. You are our Lord and Savior. Amen.

The Pledge of Allegiance to the flag was recited.

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

The Journal of the seventy-first day was approved as printed by the following vote:

AYES: 127

Atkins	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Casey	Corcoran	Cox
Cunningham	Curls	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dougherty	Dugger
Dusenberg	El-Amin	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grill	Guernsey
Guest	Harris	Hobbs	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 117	Keeney	Kelly
Kingery	Kirkton	Koenig	Kratky	Kraus
Kuessner	Lair	Lampe	Largent	Leara
LeVota	Liese	Lipke	Loehner	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Morris	Munzlinger	Nance	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pratt	Quinn	Roorda	Rucker	Ruestman
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl

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Schupp	Self	Shively	Silvey	Skaggs
Smith 150	Stevenson	Still	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 003

Burnett	Talboy	Witte
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PRESENT: 000

ABSENT WITH LEAVE: 033

Allen	Calloway	Carter	Chappelle-Nadal	Colona
Cooper	Davis	Dixon	Fisher 125	Frame
Grisamore	Hodges	Holsman	Hughes	Jones 63
Jones 89	Kander	Komo	LeBlanc	Low
McClanahan	Molendorp	Nasheed	Pollock	Riddle
Ruzicka	Salva	Smith 14	Spreng	Vogt
Webb	Webber	Yates		

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3046 through House Resolution No. 3097

THIRD READING OF SENATE BILLS

HCS SB 262, relating to courts and judicial proceedings, was taken up by Representative Stevenson.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 262, Section 1.020, Page 3, Line 5, by inserting after the word “**location**” on said line the words “, **and United States postal service certified mail**”; and

Further amend said substitute, Section 41.950, Page 8, Line 69, by inserting immediately after all of said section and line the following:

“49.310. 1. Except as provided in sections 221.400 to 221.420, RSMo, and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except, that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed

expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification [and], any county of the third classification with a population of at least fourteen thousand and not more than fourteen thousand five hundred inhabitants bordering a county of the first classification without a charter form of government with a population of at least eighty thousand and not more than eighty-three thousand inhabitants, **or any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants** may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice.”; and

Further amend said substitute, Sections 317.001, 317.006, 317.011, 317.013, 317.014, 317.017, 317.018, and 317.019, Page 40, Line 1, to Page 46, Line 29, by deleting all of said sections and lines and inserting in lieu thereof the following:

**“317.017. 1. No person shall promote, participate, or allow a person under the age of 18;
(1) to participate in a mixed martial arts sanctioned event; or
(2) to compete or spar in any cage or other type of enclosure other than a traditional boxing ring.
2. Any person who violates the provisions of this section is guilty of a class A misdemeanor.”; and**

Further amend said substitute, Sections 473.730 and 473.770, Page 129, Line 1, to Page 132, Line 63, by deleting all of said sections and inserting in lieu thereof the following:

“473.743. It shall be the duty of the public administrator to take into his or her charge and custody the estates of all deceased persons, and the person and estates of all minors, and the estates or person and estate of all incapacitated persons in his or her county, in the following cases:

(1) When a stranger dies intestate in the county without relations, or dies leaving a will, and the personal representative named is absent, or fails to qualify;

(2) When persons die intestate without any known heirs;

(3) When persons unknown die or are found dead in the county;

(4) When money, property, papers or other estate are left in a situation exposed to loss or damage, and no other person administers on the same;

(5) When any estate of any person who dies intestate therein, or elsewhere, is left in the county liable to be injured, wasted or lost, when the intestate does not leave a known husband, widow or heirs in this state;

(6) The persons of all minors under the age of fourteen years, whose parents are dead, and who have no legal guardian or conservator;

(7) The estates of all minors whose parents are dead, or, if living, refuse or neglect to qualify as conservator, or, having qualified have been removed, or are, from any cause, incompetent to act as such conservator, and who have no one authorized by law to take care of and manage their estate;

(8) The estates or person and estate of all disabled or incapacitated persons in his or her county who have no legal guardian or conservator, and no one competent to take charge of such estate, or to act as such guardian or conservator, can be found, or is known to the court having jurisdiction, who will qualify;

(9) Where from any other good cause, the court shall order him to take possession of any estate to prevent its being injured, wasted, purloined or lost;

(10) When moneys are delivered to the public administrator from the county coroner;

(11) The public administrator shall act as trustee when appointed by the circuit court or the probate division of the circuit court.”; and

Further amend said substitute, Section 475.375, Page 132, Line 1, to Page 133, Line 57, by deleting all of said section and inserting in lieu thereof the following:

“475.375. 1. Any individual over the age of eighteen years who has been adjudged incapacitated under this chapter or who has been involuntarily committed under chapter 632, RSMo, may file a petition for the removal of the disqualification to purchase, possess, or transfer a firearm when:

(1) The individual no longer suffers from the condition that resulted in the individual's incapacity or involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest.

No individual who has been found guilty by reason of mental disease or defect may petition a court for restoration under this section.

2. The petition shall be filed in the circuit court that entered the letters of guardianship or the most recent order for involuntary commitment, whichever is later. upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner.

3. The burden is on the petitioner to establish by clear and convincing evidence that:

(1) The petitioner no longer suffers from the condition that resulted in the incapacity or the involuntary commitment;

(2) The individual no longer poses a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) Granting relief under this section is not contrary to the public interest.

4. Upon the filing of the petition the court shall review the petition and determine if the petition is based upon frivolous grounds and if so may deny the petition without a hearing. in order to determine whether petitioner has met the burden pursuant to this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. in any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the local prosecuting attorney, circuit attorney, or attorney general.

5. if the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, RSMo, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. if the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict from public disclosure, unless it finds that the public interest would be better served by making the record public.

6. The court shall enter an order that:

(1) The petitioner does or does not continue to suffer from the condition that resulted in commitment;

(2) The individual does or does not continue to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; and

(3) granting relief under this section is not contrary to the public interest. The court shall include in its order the specific findings of fact on which it bases its decision.

7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the national Instant Criminal Background Check System (NICS).

8. (1) Any person who has been denied a petition for the removal of the disqualification to purchase, possess, or transfer a firearm pursuant to this section shall not be eligible to file another petition for removal of the disqualification to purchase, possess, or transfer a firearm until the expiration of one year from the date of such denial.

(2) If a person has previously filed a petition for the removal of the disqualification to purchase, possess, or transfer a firearm and the court determined that:

(a) The petitioner's petition was frivolous; or

(b) The petitioner's condition had not so changed such that the person continued to suffer from the condition that resulted in the individual's incapacity or involuntary commitment and continued to pose a danger to self or others for purposes of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922; or

(3) granting relief under this section would be contrary to the public interest, then the court shall deny the subsequent petition unless the petition contains the additional facts upon which the court could find the condition of the petitioner had so changed that a hearing was warranted.”; and

Further amend said substitute, Section 537.055, Page 157, Line 3, by inserting immediately after all of said section and line the following:

“537.296. In any action for private nuisance, if any party requests the court or jury to visit the property alleged to be affected by the nuisance, the court or jury shall visit the property.”; and

Further amend said substitute, Section 595.209, Page 170, Line 139, by inserting immediately after all of said section and line the following:

“610.010. As used in this chapter, unless the context otherwise indicates, the following terms mean:

1. (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;
- (2) "Copying", if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;
- (3) "Public business", all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;
- (4) "Public governmental body", any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:
 - (a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, which is supported in whole or in part from state funds, including but not limited to the administrative entity known as "The Curators of the University of Missouri" as established by section 172.020, RSMo;
 - (b) Any advisory committee or commission appointed by the governor by executive order;
 - (c) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district including but not limited to sewer districts, water districts, and other subdistricts of any political subdivision;
 - (d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;
 - (e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds for the specific purpose of recommending directly to the public governmental body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision;
 - (f) Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation; and
 - (g) Any bi-state development agency established pursuant to section 70.370, RSMo;
- (5) "Public meeting", any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, Internet chat, or Internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this

chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business

(6) "Public record", any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. **A record shall not be considered to be created or maintained on behalf of a public governmental body which has no control over its creation or retention.** The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record;

(7) "Public vote", any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.”; and

Further amend said substitute, Section 630.407, Page 171, Line 9, by inserting immediately after all of said line the following:

“; (5) Providers of job-training and employment services serving clients of the department, veterans, dislocated workers as well as residential and community integration services to clients of this division of developmental disabilities as an agent of the department.”; and

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

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

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

AMEND House Amendment No. 1 to House Committee Substitute for Senate Bill No. 262, Page 2, Line 20, by deleting the figure “**18**” on said line and inserting in lieu thereof the following figure “**14**”; and

Further amend said amendment and page, Lines 22 - 23, by deleting all of said lines and inserting in lieu thereof the following:

“(2) to compete or spar in any type of enclosure that prohibits or impedes ready accessibility for medical treatment or care.”; and

Further amend said amendment, Page 7, Line 3, by inserting on said line the following:

Further amend said substitute, Section 517.041, Page 155, Lines 8 - 9, by inserting an open bracket “[“ before the “3.” on Line 8 and a closed bracket “]” after the word “assignment.” on Line 9”; and”; and

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

Representative Nieves moved that **House Amendment No. 1 to House Amendment No. 1** be adopted.

Which motion was defeated.

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 262, Section 66.010, Page 10, Line 59, by inserting immediately after all of said section and line 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.

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, Section 82.300, Page 11, Line 30, by inserting immediately after all of said section and 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

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 earnable 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 earnable 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 earnable 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 earnable 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 earnable 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 earnable 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) "Earnable 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. Earnable 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 earnable 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.**

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.

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 217.460, Page 39, Line 11, by inserting immediately after all of said section and line the following:

"227.409. The portion of interstate highway I-64/US 40 from the McClausland/Skinker interchange east to the I-64/I-55 interchange shall be designated the "Jack Buck Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway designation, with the cost to be paid for by private donation.

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(c), 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 bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Yates offered House Amendment No. 1 to House Amendment No. 2.

House Amendment No. 1

to

House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 262, Page 36, Line 27, by deleting all of said line and inserting in lieu thereof the following:

“state auditor shall be subject to a fine not to exceed fifty dollars per day.

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'; and

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

On motion of Representative Yates, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Munzlinger offered **House Amendment No. 2 to House Amendment No. 2.**

House Amendment No. 2
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 262, Page 1, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

'AMEND House Committee Substitute for Senate Bill No. 262, Section 41.950, Page 8, Line 69, by inserting after all of said line the following:

“60.010. 1. At the regular general election in the year 1948, and every four years thereafter, the voters of each county of this state in counties of the second, third, and fourth classification shall elect a registered land surveyor as county surveyor, who shall hold [his] office for four years and until [his] a successor is duly elected, commissioned, and qualified. The person elected shall be commissioned by the governor.

2. No person shall be elected or appointed surveyor unless [he be] **such person** is a citizen of the United States, over the age of twenty-one years, [be] a registered land surveyor, and shall have resided within the state one whole year. An elected surveyor shall have resided within the county for which [he] **the person** is elected six months immediately prior to [his] election and shall after [his] election continue to reside within the county for which [he] **the person** is surveyor. An appointed surveyor need not reside within the county for which [he] **the person** is surveyor.

3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the contrary, the county commission of any county of the third or fourth classification may appoint a surveyor following [a general election in which] **the deadline for filing for** the office of surveyor [is on the ballot,] if no qualified candidate [seeks said] **files for the office in a general election in which the office would have been on the ballot, provided that the notice required by section 115.345, RSMo, has been published in at least one newspaper of general circulation in the county.** The appointed surveyor shall serve at the pleasure of the county commission, however, an appointed surveyor shall forfeit said office once a qualified individual, who has been duly elected at a regularly scheduled general election where the office of surveyor is on the ballot and who has been commissioned by the governor, takes office. The county commission shall fix appropriate compensation, which need not be equal to that of an elected surveyor.”; and

Further amend said bill, Section 66.010, Page 10, Line 59, by inserting after all of said line the following:’; 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. 2 to House Amendment No. 2** goes beyond the scope of the underlying amendment and bill.

The Chair ruled the point of order not well taken.

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

Representative Roorda offered **House Amendment No. 3 to House Amendment No. 2.**

House Amendment No. 3
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 262, Page 27, Section 71.1000, Line 9, by inserting immediately 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.

On motion of Representative Roorda, **House Amendment No. 3 to House Amendment No. 2** was adopted.

On motion of Representative Diehl, **House Amendment No. 2, as amended**, was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 262, Page 174, Section 5, Line 8, by inserting immediately after said line the following:

"Section 6. No political subdivision of the state nor any local government, city or county, or any agency, authority, board, commission, department or officer thereof, shall enact any ordinance or promulgate or issue any regulation, rule, policy, guideline or proclamation describing the relationship between persons and domestic animals as other than persons may or can own domestic animals."

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

Representative Smith (150) offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 262, Section 5, Page 174, Line 8, by inserting immediately after all of said section and line the following:

"Section 6. No member of the house of representatives or member of the senate shall be appointed or hired to serve in any paid position in state government or any state agency by any governor such representative or senator served with for any portion of any general assembly."; and

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

On motion of Representative Smith (150), **House Amendment No. 4** 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	Dusenberger
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
Salva	Sander	Sater	Schaaf	Schad
Scharnhorst	Schlottach	Schoeller	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: 069

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey

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

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges	Hughes	Self	Spreng	Wallace
Webb				

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 262, Section 566.226, Page 166, Lines 1 - 17, by deleting all of said lines and inserting in lieu thereof the following:

“566.226. 1. After August 28, 2007, any information contained in any court record, whether written or [published on the Internet,] **in electronic format**, that could be used to identify or locate any victim of **the following crimes: sexual assault, domestic assault, stalking, or [forcible rape] any other violation of this chapter or chapter 568, RSMo** shall be [closed and] redacted from such record prior to disclosure to the public **if filed prior to January 1, 2010. Beginning January 1, 2010, the identifying information as defined in this section shall be retained on a confidential case filing sheet.**

2. Identifying information shall include the name, home or temporary address, telephone number, **or Social Security number [or physical characteristics.] of any victim of the following crimes: sexual assault, domestic assault, stalking, or any other violation of this chapter or chapter 568, RSMo but not the named party in civil litigation.**

[2.] 3. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

4. **Nothing in this section shall be construed to permit or be the basis of permitting the identifying information of a perpetrator of a sexual assault, domestic assault, stalking, or forcible rape to be redacted from an otherwise public record.**

5. **Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, or forcible rape case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.”; and**

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

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

House Amendment No. 1
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for Senate Bill No. 262, Page 1, Section 566.226, Line 1, by inserting before said line the following:

"AMEND House Committee Substitute for Senate Bill No. 262, Page 155, Section 517.041, by deleting Lines 8 - 9; and

Further".

On motion of Representative Cox, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative Bringer, **House Amendment No. 5, as amended**, was adopted.

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 262, Section 630.407, Page 171, Line 24, by inserting after all of said section the following:

"650.050. 1. The Missouri department of public safety shall develop and establish a "DNA Profiling System", referred to in sections 650.050 to 650.100 as the system to assist federal, state, and local criminal justice and law enforcement agencies in the identification, investigation, and prosecution of individuals as well as the identification of missing or unidentified persons.

2. This DNA profiling system shall consist of qualified Missouri forensic laboratories approved by the Federal Bureau of Investigation.

3. The Missouri state highway patrol crime laboratory shall be the administrator of the state's DNA index system.

4. The DNA profiling system as established in this section shall be compatible with that used by the Federal Bureau of Investigation to ensure that DNA records are fully exchangeable between DNA laboratories and that quality assurance standards issued by the director of the Federal Bureau of Investigation are applied and performed.

5. DNA samples obtained under sections 650.050 to 650.100 shall only be analyzed consistent with sections 650.050 to 650.100 and applicable federal laws and regulations.

650.052. 1. The state's DNA profiling system shall:

(1) Assist federal, state and local criminal justice and law enforcement agencies in the identification, detection or exclusion of individuals who are subjects of the investigation or prosecution of criminal offenses in which biological evidence is recovered or obtained; and

(2) If personally identifiable information is removed, support development of forensic validation studies, forensic protocols, and the establishment and maintenance of a population statistics database for federal, state, or local crime laboratories of law enforcement agencies; and

(3) Assist in the recovery or identification of human remains from mass disasters, or for other humanitarian purposes, including identification of missing persons.

2. The Missouri state highway patrol shall act as the central repository for the DNA profiling system and shall collaborate with the Federal Bureau of Investigation and other criminal justice agencies relating to the state's participation in CODIS and the National DNA Index System or in any DNA database.

3. The Missouri state highway patrol may promulgate rules and regulations to implement the provisions of sections 650.050 to 650.100 in accordance with Federal Bureau of Investigation recommendations for the form and manner of collection of blood or other scientifically accepted biological samples and other procedures for the operation of sections 650.050 to 650.100. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

4. The Missouri state highway patrol shall provide the necessary components for collection of the [convicted] offender's biological samples. For qualified offenders as defined by section 650.055 who are under custody and control of the department of corrections, the DNA sample collection shall be performed by the department of corrections and the division of probation and parole, or their authorized designee or contracted third party. For qualified offenders as defined by section 650.055 who are under custody and control of a county jail, the DNA sample collections shall be performed by the county jail or its authorized designee or contracted third party. For qualified offenders as defined by section 650.055 who are under the custody and control of companies contracted by the county or court to perform supervision and/or treatment of the offender, the sheriff's department of the county assigned to the offender shall perform the DNA sample collection. The specimens shall thereafter be forwarded to the Missouri state highway patrol crime laboratory. Any DNA profiling analysis or collection of DNA samples by the state or any county performed pursuant to sections 650.050 to 650.100 shall be subject to appropriations.

5. The state's participating forensic DNA laboratories shall meet quality assurance standards specified by the Missouri state highway patrol crime laboratory and the Federal Bureau of Investigation to ensure quality DNA identification records submitted to the central repository.

6. The state's participating forensic DNA laboratories may provide the system for identification purposes to criminal justice, law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court and provide expert testimony in court on DNA evidentiary issues.

7. The department of public safety shall have the authority to promulgate rules and regulations to carry out the provisions of sections 650.050 to 650.100. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill, Section 650.055, Page 171, Line 2, by inserting after the word, “RSMo,” the following words, “**or who is seventeen years of age or older and who is arrested for burglary in the first degree under section 569.160, RSMo, or burglary in the second degree under section 569.170, RSMo, or a felony offense under chapters 565, 566, 567, 568, or 573, RSMo,**”; and

Further amend said bill, said section, Pages 171 to 172, Lines 6 to 22, by deleting all of said lines and inserting in lieu thereof the following:

“(1) **Upon booking at a county jail or detention facility; or**
 (2) Upon entering or before release from the department of corrections reception and diagnostic centers; or
 [(2)] (3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo; or
 [(3)] (4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to an offense in any other jurisdiction which would be considered a qualifying offense as defined in this section if committed in this state, or if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other jurisdiction; or
 [(4)] (5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.”; and

Further amendment said bill, section, Page 172, Line 31, by inserting after the words, “who have been” the words, “**arrested for,**”; and

Further amend said bill, section, Page 173, Lines 56 to 58, by deleting all of said lines and inserting in lieu thereof the following:

“employees who need to obtain such records to perform their public duties; [or]

(4) **The individual whose DNA sample has been collected, or his or her attorney; or**

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.”; and

Further amend said bill, section, page, Line 64 by inserting after the number, “8.” the following:

“Within ninety days of warrant refusal, the arresting agency shall notify the Missouri state highway patrol crime laboratory which shall expunge all DNA records taken at the arrest for which the warrant was refused in the database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample.”; and

Further amend said bill, section, Page 174, Line 90, by inserting after all of said line the following:

“9. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;

(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;

(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection that the charges have been withdrawn, the case has been dismissed, there is a finding that the necessary probable cause does not exist, or the defendant is found not guilty, such crime laboratory shall expunge the DNA sample and DNA profile of the arrestee within thirty days. Prior to such expungement, the state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained prior to expungement under this subsection.”; and

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

On motion of Representative Ruestman, **House Amendment No. 6** was adopted by the following vote:

AYES: 152

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dougherty	Dugger	Dusenberg	Emery	Englund
Ervin	Faith	Fallert	Fischer 107	Fisher 125
Flanigan	Flook	Frame	Franz	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance

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Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Shively	Silvey	Skaggs
Smith 14	Smith 150	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webber	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 001

Vogt

PRESENT: 000

ABSENT WITH LEAVE: 010

Day	Diehl	El-Amin	Funderburk	Hodges
Hughes	Nasheed	Self	Spreng	Webb

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

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 262, Section 5, Page 174, Line 8, by inserting after all of said line the following:

“Section 6. All requests for records filed or recorded by recorders of deeds pursuant to sections 59.005 to 59.800 RSMo dated after December 31, 1969, shall be made to the office in which the record was originally filed.”; and

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

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

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

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 262, Section 82.300, Page 11, Line 30, by inserting after all of said line the following:

"82.1026. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances to provide for the building official of the city or an authorized representative of the building official to petition the circuit court in the county in which a vacant nuisance building or structure is located for the appointment of a receiver to rehabilitate the building or structure, to demolish it, or to sell it to a qualified buyer.”; and

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

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

Representative Jones (89) offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 262, Section 5, Page 174, Line 8, by inserting immediately after all of said section and line the following:

"Section 6. Nothing in sections 320.350 to 320.374, RSMo, shall be interpreted or applied to permit non-compliance with other applicable statutes and case law."; and

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

On motion of Representative Jones (89), **House Amendment No. 9** was adopted.

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	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	Hoskins 121	Ice	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: 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	Holsman	Hoskins 80	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Liese
Low	McClanahan	McDonald	McNeil	Meadows
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy

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Todd	Vogt	Walsh	Walton Gray	Webber
Wildberger	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 007

Cooper	El-Amin	Hobbs	Hodges	Hughes
Spreng	Webb			

On motion of Representative Stevenson, **HCS SB 262, as amended**, was adopted.

On motion of Representative Stevenson, **HCS SB 262, as amended**, was read the third time and passed by the following vote:

AYES: 099

Allen	Biermann	Bivins	Brown 30	Brown 50
Brown 73	Brown 149	Bruns	Burlison	Calloway
Casey	Cooper	Cox	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dusenberg	Emery	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guest	Harris	Hobbs	Hoskins 80
Hoskins 121	Iceet	Jones 89	Jones 117	Keeney
Koenig	Kraus	Lair	Largent	Leara
LeBlanc	Liese	Loehner	McGhee	McNary
Meadows	Meiners	Molendorp	Morris	Munzlinger
Nance	Nieves	Nolte	Parkinson	Parson
Pollock	Pratt	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Silvey	Smith 150	Stevenson	Stream	Thomson
Tilley	Tracy	Viebrock	Vogt	Wallace
Wasson	Weter	Wildberger	Wilson 119	Wilson 130
Wood	Yates	Zerr	Mr Speaker	

NOES: 054

Atkins	Aull	Brandom	Bringer	Burnett
Carter	Chappelle-Nadal	Colona	Corcoran	Dougherty
Dugger	Englund	Frame	Hodges	Holsman
Hummel	Kander	Kelly	Kingery	Kirkton
Komo	Kratky	Kuessner	Lampe	LeVota
Lipke	McClanahan	McDonald	McNeil	Nasheed
Norr	Oxford	Pace	Quinn	Roorda
Scavuzzo	Schoemehl	Schupp	Shively	Skaggs
Smith 14	Still	Storch	Sutherland	Swinger
Talboy	Todd	Walsh	Walton Gray	Webber
Witte	Wright	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 010

Cunningham	El-Amin	Guernsey	Hughes	Jones 63
Low	Riddle	Spreng	Webb	Wells

Speaker Richard declared the bill passed.

HCS SB 26, relating to crime, was taken up by Representative Nolte.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 26, Page 31, Section 561.031, Line 28, by inserting after said line the following:

“565.047. 1. A commission on the death penalty is hereby created within the office of administration to consist of ten members: two members from the house of representatives with one from each party (the majority party member shall be appointed by the speaker of the house of representatives and the minority party member shall be appointed by the minority floor leader); two members from the senate, one from each party (the majority party member shall be appointed by the president pro tem and the minority party member shall be appointed by the minority floor leader); a county prosecutor appointed by the Missouri Association of Prosecuting Attorneys and a criminal defense lawyer appointed by the Missouri Association of Criminal Defense Lawyers; the state public defender or his or her designee; the attorney general or his or her designee; a murder victim's family member and a family member of an individual on death row appointed by the director of the department of corrections. Commission members shall be comprised equally of individuals in favor and those opposed to the death penalty. The members of the commission shall serve without compensation, but the members shall be reimbursed for necessary expenses incurred in the work of the commission. The commission shall be appointed and staffed on or before December 1, 2009.

2. The commission on the death penalty shall elect a chair. The commission shall be assisted in its work by the staff of the Missouri supreme court and the personnel and staff of the state public universities.

3. The commission on the death penalty shall hold public hearings throughout the state, calling before it witnesses to testify and allowing other interested citizens to comment on issues relevant to the administration of the death penalty in Missouri.

4. The commission shall study all aspects of the death penalty as administered in the state. As part of this study, the commission on the death penalty shall review and analyze all cases in which the death penalty was sought and use a scientific method of random sampling to review and analyze a statistical representation of cases in which charges of first degree murder, second degree murder, or voluntary manslaughter were filed on or after January 1, 1977. The sampling shall have geographic representation across the state based on population distribution. Such review and analyses shall examine all available data concerning:

- (1) The facts of the offense including mitigating and aggravating circumstances;**
- (2) The county in which the charges were filed;**
- (3) The charges originally filed;**
- (4) The crime for which the defendant was convicted, or to which the defendant entered a plea of guilty or for which the defendant was tried and acquitted;**
- (5) The sentence imposed;**
- (6) The age, race, gender, religious preference, and economic status of the defendant and the victim;**
- (7) Whether evidence exists that the defendant was mentally retarded or mentally ill or both;**
- (8) Whether the defendant had a prior criminal record and detailing that record if one exists;**
- (9) The identity, number, and experience level of defense counsel at trial, appeal, and post conviction;**
- (10) The identity, number, and experience level of trial and appellate prosecutors, including, where appropriate, members of the staff of the attorney general;**

(11) The body of evidence assembled to obtain a homicide conviction, including physical evidence, eyewitness testimony, informant testimony, etc.;

(12) The results of any appellate review;

(13) The results of any post-conviction review in state or federal court; and

(14) The cost per disposition and implementation of sentence. A cost analysis shall include comparison costs, both direct and indirect, born by county and state governments in the prosecution and defense of the defendant in all homicide cases where a death sentence was sought and in at least an equal number of homicide cases where a death sentence was not sought.

5. In considering the experience level of attorneys and the adequacy of resources as described in subdivisions (9) and (10) of subsection 4 of this section, the commission shall consider the experience and training levels required by the Missouri supreme court, the experience and training levels required by the courts and legislatures of other jurisdictions in which the death penalty is imposed, and the recommendations of national associations.

6. The review conducted by the commission shall include all such charges filed during the study period.

7. The commission shall study whether alternatives to the death penalty exist that would sufficiently ensure public safety and address other legitimate social and penological interests, including the interests of families of victims.

8. The commission shall report its findings and recommendations regarding the death penalty, including remedies for any deficiencies found by the commission, to the governor, members of the legislature, and the Missouri supreme court by January 1, 2012.

9. The commission shall make recommendations for amendments to the statutes and court rules pertaining to cases in which the death penalty is sought or imposed to provide assurances that:

(1) Defendants who are sentenced to death are in fact guilty of first degree murder;

(2) Defendants in cases in which the death penalty is sought are provided adequate and experienced counsel and adequate resources for the defense of their cases at trial and at the appellate and post-conviction stages;

(3) Race does not play an impermissible role in determining which defendants are sentenced to death;

(4) Appellate and post-conviction procedures are adequate to provide a fair opportunity for the courts of this state to correct errors and injustices that occurred at trial in cases in which the death penalty is imposed, including but not limited to allowing access to physical evidence for later testing and analysis; and

(5) All prosecutors throughout the state use similar criteria to determine whether to seek the death penalty in a case involving criminal homicide.

10. No execution of a defendant shall take place between the effective date of this section and January 1, 2012.

11. During the moratorium period, the special procedures in cases of first degree murder provided in sections 565.030 to 565.040 and any other proceedings related to capital cases, including motions for post-conviction relief, shall continue to be operative and shall proceed as if no such moratorium were in place, except that no day certain for execution shall be appointed that falls during the moratorium."; and

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

Representative Jones (117) offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1

to

House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Bill No. 26, Page 4, Lines 8 through 15 by deleting all of said lines and inserting in lieu thereof the following:

' "the death penalty in a case involving criminal homicide."; and'; and

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

Speaker Pro Tem Pratt assumed the Chair.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

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	Leara	Lipke	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	Thomson	Tracy	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright	Yates	Zerr	Mr Speaker

NOES: 072

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

PRESENT: 000

ABSENT WITH LEAVE: 006

Largent	Loehner	Scavuzzo	Sutherland	Tilley
Webber				

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On motion of Representative Jones (117), **House Amendment No. 1 to House Amendment No. 1** was adopted by the following vote:

AYES: 095

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

NOES: 064

Atkins	Brown 50	Brown 73	Burnett	Calloway
Carter	Chappelle-Nadal	Colona	Curls	Deeken
Dougherty	El-Amin	Englund	Fallert	Fischer 107
Grill	Harris	Holsman	Hoskins 80	Hughes
Hummel	Jones 63	Kander	Kelly	Kirkton
Kratky	Lampe	LeBlanc	LeVota	Low
McClanahan	McDonald	McGhee	McNeil	Meadows
Meiners	Morris	Nasheed	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Sander	Scavuzzo	Schaaf	Schoemehl	Schupp
Shively	Skaggs	Spreng	Still	Storch
Talboy	Vogt	Walsh	Walton Gray	Webb
Webber	Wildberger	Witte	Yaeger	

PRESENT: 000

ABSENT WITH LEAVE: 004

Loehner	Sutherland	Tilley	Zimmerman
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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	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 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	Thomson	Tilley
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Zerr	Mr Speaker			

NOES: 072

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

PRESENT: 000

ABSENT WITH LEAVE: 004

Hughes	Sutherland	Talboy	Yates
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On motion of Representative Deeken, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 127

Allen	Atkins	Aull	Biermann	Bringer
Brown 30	Brown 50	Brown 73	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Curls	Day
Deeken	Denison	Diehl	Dixon	Dougherty
Dugger	Dusenberg	El-Amin	Emery	Englund
Faith	Fallert	Fischer 107	Flanigan	Flook
Frame	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Ice
Jones 63	Kander	Keeney	Kelly	Kirkton
Komo	Kratky	Kraus	Kuessner	Lair

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Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Morris	Munzlinger	Nance	Nasheed	Norr
Oxford	Pace	Parson	Pratt	Quinn
Riddle	Roorda	Rucker	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoemehl	Schupp	Self
Shively	Skaggs	Spreng	Still	Storch
Stream	Swinger	Thomson	Tilley	Todd
Tracy	Vogt	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Weter	Wildberger
Wilson 130	Witte	Wright	Yaeger	Zerr
Zimmerman	Mr Speaker			

NOES: 031

Bivins	Brandom	Cooper	Cox	Cunningham
Davis	Dethrow	Ervin	Fisher 125	Franz
Funderburk	Jones 89	Jones 117	Kingery	Lipke
Molendorp	Nieves	Nolte	Parkinson	Pollock
Ruestman	Ruzicka	Schoeller	Silvey	Smith 14
Smith 150	Stevenson	Viebrock	Wells	Wilson 119
Wood				

PRESENT: 000

ABSENT WITH LEAVE: 005

Dieckhaus	Koenig	Sutherland	Talboy	Yates
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Representative Lipke offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 26, Section 595.060, Page 61, Lines 1 to 16, by deleting all of said section from the bill; and

Further amend said bill, Section 595.220, Pages 65 to 67, Lines 1 to 48, by deleting all of said section from the bill; and

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

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

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 26, Section 556.036, Page 29, Line 7, by inserting immediately after the word “months” the following:

“;

(4) For any violation of section 569.040, RSMo, when classified as a class B felony, or any violation of section 569.050 or 569.055, RSMo, five years”; and

Further amend said substitute, said section, said page, Lines 24 - 25, by deleting all of said lines and inserting in lieu thereof the following:

“more than three years.”; and

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

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

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

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PRESENT: 000

ABSENT WITH LEAVE: 008

Diehl	Holsman	Nasheed	Salva	Spreng
Sutherland	Tilley	Wildberger		

On motion of Representative Nolte, **HCS SB 26, as amended**, was adopted.

On motion of Representative Nolte, **HCS SB 26, as amended**, was read the third time and passed by the following vote:

AYES: 146

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

NOES: 012

Bringer	Burnett	Colona	Hughes	Lipke
McClanahan	Pace	Skaggs	Vogt	Walton Gray
Webber	Yaeger			

PRESENT: 000

ABSENT WITH LEAVE: 005

Dugger

Spreng

Stevenson

Sutherland

Tilley

Speaker Pro Tem Pratt declared the bill passed.

SCS SB 153, relating to the sale of milk, was taken up by Representative Cunningham.

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

House Amendment No. 1

AMEND Senate Committee Substitute for Senate Bill No. 153, In the Title, Line 3, by deleting the words "sale of milk" and inserting in lieu thereof the words "marketing of commodities"; and

Further amend said substitute, Section A, Page 1, Line 2, by inserting immediately after all of said section and line the following:

"265.525. 1. This section shall be known as the "Missouri Rice Certification Act".

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

(1) "Characteristics of commercial impact", characteristics determined by the rice advisory council under subsection 7 of this section that may adversely affect the marketability of rice in the event of commingling with other rice and may include, but are not limited to, those characteristics that cannot be visually identified without the aid of specialized equipment or testing, those characteristics that create a significant economic impact in their removal from commingled rice, and those characteristics whose removal from commingled rice is infeasible;

(2) "Council", the rice advisory council established in this section;

(3) "Department", the department of agriculture;

(4) "Director", the director of the department of agriculture;

(5) "End user", any company or corporation, **not to include a producer**, that [uses rice as a major ingredient in industrial food processing] **is a major industrial user of rice in food processing**;

(6) "Handler", any person, **not to include a producer**, engaged in this state in the business of **buying, marketing, drying, milling, or warehousing** rice, [including persons engaged in the drying, milling, or storing of rice];

(7) "Person", any individual, partnership, limited liability company, limited liability partnership, corporation, firm, company, or any other entity doing business in Missouri;

(8) "Producer", any person who produces, or causes to be produced, rice;

(9) "Rice", all rough or paddy rice or brown rice (*Oryza* species) produced in or shipped in Missouri, including rice produced for seed. It does not include wild rice (*Zizania aquatic* or *Zizania palustris*).

3. Except as provided by rules promulgated by the department, it shall be unlawful for any person to introduce, sell, plant, produce, harvest, transport, store, process, or otherwise handle rice identified as having characteristics of commercial impact.

4. There is hereby created within the department of agriculture the "Rice Advisory Council". The council shall be made up of the following ten members:

(1) The director, or his or her designee;

(2) Three members appointed by the director to include:

(a) An individual [representing handlers] **employed as or by a handler** in Missouri;

(b) An individual [representing end users] **employed as or by an end user**;

(c) An individual representing the biotechnology industry who is familiar with rice genetics;

(3) Six members appointed by the director as recommended by the Missouri Rice Research and Merchandising Council to include:

(a) Two producers, neither of whom shall be employed by or serve on the board of any rice mill or rice merchandiser;

(b) Two scientists employed by institutes of higher education in Missouri;

(c) A representative of rice mills operating in Missouri; and

(d) A representative of rice seed dealers.

5. Members of the council shall serve terms of three years in length except that the director shall be a permanent member of the council and the director shall stagger the terms of the initial appointments so that three members serve terms of two years, three members serve terms of three years, and three members serve terms of four years. There is no limit to the number of terms a member may serve. Vacancies shall be filled in the same manner of representation as the original appointments.

6. The rice advisory council shall meet no less than twice annually as determined by the chairperson of the council, who shall be elected by the council at its first meeting and once every calendar year thereafter. Members of the council shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

7. The powers and duties of the rice advisory council shall include, but not be limited to, all of the following:

(1) Identifying rice varieties that have characteristics of commercial impact;

(2) Reviewing the efficacy of terms and conditions of identity preservation programs imposed on the planting, producing, harvesting, transporting, drying, storing, testing, or otherwise handling of rice identified using the most current industry standards and generally accepted scientific principles;

(3) Reviewing each rice variety identified as having characteristics of commercial impact not less often than every two years, or upon receipt of a petition from the purveyor of the rice;

(4) Making recommendations to the director on all matters pertaining to this section, including, but not limited to, enforcement of this section.

8. The department shall have the power to:

(1) Maintain the integrity and prevent the contamination of rice which has not been identified as having characteristics of commercial impact;

(2) Prevent the introduction of disease, weeds, or other pests that would adversely affect rice which has not been identified as having characteristics of commercial impact;

(3) Require that persons selling, offering for sale, or otherwise distributing seed for the production of rice identified as having characteristics of commercial impact, or that persons bringing rice identified as having characteristics of commercial impact into the state for processing, notify the department of the location of planting sites and the dates and procedures for planting, producing, harvesting, transporting, drying, storing, testing, or otherwise handling of rice identified as having characteristics of commercial impact;

(4) Require that persons receiving rice having been identified as having characteristics of commercial impact produced outside the state for processing notify the department of the location of the receipt and the procedures for processing, transporting, drying, storing, testing, or otherwise handling the rice to prevent commercial impact to other rice and the spread of weeds, disease, or other pests;

(5) Enforce restrictions and prohibitions imposed by the department on the selling, planting, producing, harvesting, transporting, drying, storing, testing, processing, or otherwise handling of rice identified as having characteristics of commercial impact; and

(6) Investigate alleged violations of this section, issue notices of violation, provide for an appeals process for persons aggrieved by the provisions of this section, and impose penalties for violation of this section.

9. The department may establish and collect reasonable fees for any sampling and testing of rice that the department determines is necessary to implement the provisions of this section. Any such fees shall be reviewed by the rice advisory council.

10. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

11. The department shall regularly report to the rice advisory council any findings of rice varieties that could potentially have characteristics of commercial impact.

12. If the rice advisory council determines that any rice variety with characteristics of commercial impact is documented as causing unreasonable adverse effects on the environment or public health, the council may issue recommendations to the department. Within sixty days of receiving any such recommendations from the council, the department shall hold a public hearing for the purpose of determining the nature and extent of commercial impact. Within thirty days of holding any such public hearing, the department shall issue a detailed opinion in response to the council recommendations.

13. The penalty for violating a provision of this section shall be no less than ten thousand dollars nor more than one hundred thousand dollars per day per violation.

14. If the department determines a person has violated any provision of this section, the department shall provide written notice to such person informing the person of the violation. The notice shall inform the person of the right to request an appeal. Nothing in this section shall prevent a person from seeking judicial relief in a court of competent jurisdiction.

15. The provisions of this section shall become effective one hundred eighty days from August 28, 2007.

16. The provisions of this section shall not be subject to the provisions of sections 610.010 to 610.200, RSMo."; and

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

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

The Chair ruled the point of order not well taken.

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

Representative Brown (149) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND Senate Committee Substitute for Senate Bill No. 153, Section A, Page 1, Line 2, by inserting immediately after said line the following:

"267.565. Unless the context requires otherwise, as used in sections 267.560 to 267.660, the following terms mean:

(1) "Accredited approved veterinarian", a veterinarian who has been accredited by the United States Department of Agriculture and approved by the state department of agriculture and who is duly licensed under the laws of Missouri to engage in the practice of veterinary medicine, or a veterinarian domiciled and practicing veterinary medicine in a state other than Missouri, duly licensed under laws of the state in which he resides, accredited by the United States Department of Agriculture, and approved by the chief livestock sanitary official of that state;

(2) "Animal", an animal of the equine, bovine, porcine, ovine, caprine, or species domesticated or semidomesticated;

(3) "Approved laboratory", a laboratory approved by the department;

(4) "Approved vaccine" or "bacterin", a vaccine or bacterin produced under the license of the United States Department of Agriculture and approved by the department for the immunization of animals against infectious and contagious disease;

(5) "Bird", a bird of the avian species;

(6) "Certified free herd", a herd of cattle, swine, goats or a flock of sheep or birds which has met the requirements and the conditions set forth in sections 267.560 to 267.660 and as required by the department and as recommended by the United States Department of Agriculture, and for such status for a specific disease and for a herd of cattle, swine, goats or flock of sheep or birds in another state which has met those minimum requirements and conditions under the supervision of the livestock sanitary authority of the state in which said animals or birds are domiciled, and as recommended by the United States Department of Agriculture for such status for a specific disease;

(7) **"Condition", upon examination of any animal or bird in this state by the state veterinarian or his or her duly authorized representative, the findings of which indicate the presence or suspected presence of a toxin in such animal or bird that warrants further examination or observation for confirmation of the presence or nonpresence of such toxin;**

(8) "Department" or "department of agriculture", the department of agriculture of the state of Missouri, and when by this law the said department of agriculture is charged to perform a duty, it shall be understood to authorize the performance of such duty by the director of agriculture of the state of Missouri, or by the state veterinarian of the state of Missouri or his duly authorized deputies acting under the supervision of the director of agriculture;

(9) **"Holding period", restriction of movement of animals or birds into or out of a premise under such terms and conditions as may be designated by order of the state veterinarian or his or her duly authorized representative prior to confirmation of a contagious disease or condition;**

[(8)] (10) "Infected animal" or "infected bird", an animal or bird which shows a positive reaction to any recognized serological test or growth on culture or any other recognized test for the detection of any disease of livestock or poultry as approved by the department or when clinical symptoms and history justifies designating such animal or bird as being infected with a contagious or infectious disease;

[(9)] (11) "Isolated" or "isolation", a condition in which animals or birds are quarantined to a certain designated premises and quarantined separately and apart from any other animals or birds on adjacent premises;

[(10)] (12) "Licensed market", a market as defined and licensed under chapter 277, RSMo;

[(11)] (13) "Livestock", horses, cattle, swine, sheep, goats, ratite birds including but not limited to ostrich and emu, aquatic products as defined in section 277.024, RSMo, llamas, alpaca, buffalo, elk documented as obtained from a legal source and not from the wild and raised in confinement for human consumption or animal husbandry, poultry and other domesticated animals or birds;

[(12)] (14) "Official health certificate" is a legal record covering the requirements of the state of Missouri executed on an official form of the standard size from the state of origin and approved by the proper livestock sanitary official of the state of origin or an equivalent form provided by the United States Department of Agriculture and issued by an approved, accredited, licensed, graduate veterinarian;

[(13)] (15) "Public stockyards", any public stockyards located within the state of Missouri and subject to regulations of the United States Department of Agriculture or the Missouri department of agriculture;

[(14)] (16) "Quarantine", a condition in which an animal or bird of any species is restricted in movement to a particular premises under such terms and conditions as may be designated by order of the state veterinarian or his duly authorized deputies;

[(15)] (17) "Traders" or "dealers", any person, firm or corporation engaged in the business of buying, selling or exchange of livestock on any basis other than on a commission basis at any sale pen, concentration point, farm, truck or other conveyance including persons, firms or corporations employed as an agent of the vendor or purchaser excluding public stockyards under federal supervision or markets licensed under sections 267.560 to 267.660 and under the supervision of the department, breed association sales or any private farm sale.

267.600. 1. Animals, livestock or birds under test **or investigation** for a contagious and infectious disease **or condition** may not be removed from the premises until the results of the tests are known and the owner of such animals, livestock or birds receives a record of the test from the veterinarian certifying that the animals or birds are free of the disease **or specified condition** and until any infected animals or birds are sold for slaughter on permit and as may be required by the state veterinarian, or until such animals or birds are recovered and incapable of spreading the disease **or condition** or until the animals or birds in the herd or flock have been released by the state veterinarian or his representative. The method of eradicating the disease **or condition** shall be at the discretion of the state veterinarian and in accordance with such procedures as may be outlined by the state veterinarian or his representative.

2. **The state veterinarian or his or her representative may implement a holding period for the premise until the investigation and confirmation of the contagious and infectious disease or condition is completed.**

3. **Once investigation and testing is complete, animals or birds shall be released from the holding period or placed under permanent quarantine by the state veterinarian or his or her representative.";** and

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

On motion of Representative Brown (149), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND Senate Committee Substitute for Senate Bill No. 153, Page 1, Section A, Line 2, by inserting after all of said section the following:

"416.410. As used in sections 416.410 to 416.560 the following terms are construed to have the following meanings, except in those instances where the context clearly indicates otherwise:

- (1) "Bulk milk", milk in bulk form, in cans, tank cars or tank trucks that is furnished to a processor for the purpose of processing and manufacture into milk products;
- (2) "Bulk milk handler", any person engaged in the business of transferring title to bulk milk to a processor, except a cooperative association organized under the laws of this state;
- (3) "Cost to the bulk milk handler", the price paid dairy farmers for the milk, plus receiving plant charge or a reasonable charge to cover all costs of operating his own receiving plant, plus transportation cost to the point of delivery to the purchaser;
- (4) "Cost to the processor or distributor", the price paid for raw materials, plus the cost of doing business, which shall include labor, salaries paid executives and officers, rent, interest, depreciation, power, supplies, maintenance of equipment, selling costs, advertising, transportation and delivery costs, credit losses, all types of permits and license fees, all taxes, insurance, and all overhead expenses of the processor or distributor;
- (5) "Cost to the retailer", the invoice price paid by the retailer plus the retailer's cost of doing business. In the absence of specific evidence the cost of doing business shall be presumed to be eight percent of the invoice price, and this cost shall be calculated to the nearest half cent per sales unit;
- (6) "Director", the director of the department of agriculture;
- (7) "Distributor", any person, other than a bulk milk handler, engaged in the business of transferring title within the state to milk products for a consideration, where the product is to be sold for resale or further processing;
- (8) **"Imitation milk" and "Imitation milk products" those foods that have the physical characteristics, such as taste, flavor, body, texture, or appearance of milk products as defined in this chapter but do not meet the definition of milk or milk product;**
- (9) "Market milk", milk disposed of in fluid form and which is approved by an appropriate city, county or state health authority for distribution and sale in fluid form in any part of the state of Missouri;
- [(9)] (10) **"Milk", the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows or goats;**
- (11) "Milk products", market milk, pasteurized milk, vitamin D milk, homogenized milk, flavored milk [or flavored milk drinks], sweet cream, whipping cream, homogenized cream, skim milk, buttermilk, and cultured buttermilk, **"milk products" do not include products such as evaporated milk, condensed milk, dietary products, infant formula, eggnog, dry milk products, packaged sports drinks, or packaged sports shakes;**
- [(10)] (12) "Nonprocessing retailer", any person, not a processor, engaged in the business of transferring title within the state to milk products for a consideration where such product is to be used or consumed by the purchaser and is not to be resold or used for the purpose of manufacture or further processing;
- [(11)] (13) "Processor", any person engaged in the business of processing or packaging bulk milk or other materials into milk products."; and

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

Representative Lampe offered **House Amendment No. 1 to House Amendment No. 3.**

Representative Pollock raised a point of order that **House Amendment No. 1 to House Amendment No. 3** is in violation of Rule 46(a).

The Chair ruled the point of order well taken.

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

On motion of Representative Cunningham, **SCS SB 153, as amended**, was read the third time and passed by the following vote:

AYES: 150

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

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Frame	Hobbs	Kuessner	Largent	Scavuzzo
Sutherland	Talboy	Tilley	Viebrock	Vogt
Walsh	Webber	Mr Speaker		

Speaker Pro Tem Pratt declared the bill passed.

HCS#2 SB 114, relating to criminal offenses and procedures, was taken up by Representative Tracy.

Representative Icet assumed the Chair.

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

House Amendment No. 1 was withdrawn.

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

House Amendment No. 2

AMEND House Committee Substitute No. 2 for Senate Bill No. 114, Section 566.226, Page 10, Lines 1 - 12, by deleting all of said section and line and inserting in lieu thereof the following:

“566.226. 1. After August 28, 2007, any information contained in any court record, whether written or [published on the Internet,] **in electronic format**, that could be used to identify or locate any victim of **the following crimes: sexual assault, domestic assault, stalking, or [forcible rape] any other violation of this chapter or chapter 568, RSMo** shall be [closed and] redacted from such record prior to disclosure to the public **if filed prior to January 1, 2010. Beginning January 1, 2010, the identifying information as defined in this section shall be retained on a confidential case filing sheet.**

2. Identifying information shall include the name, home or temporary address, telephone number, **or Social Security number [or physical characteristics.] of any victim of the following crimes: sexual assault, domestic assault, stalking, or any other violation of this chapter or chapter 568, RSMo but not the named party in civil litigation.**

[2.] 3. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

4. **Nothing in this section shall be construed to permit or be the basis of permitting the identifying information of a perpetrator of a sexual assault, domestic assault, stalking, or forcible rape to be redacted from an otherwise public record.**

5. **Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a sexual assault, domestic assault, stalking, or forcible rape case shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure.”; and**

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

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

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

House Amendment No. 3

AMEND House Committee Substitute No. 2 for Senate Bill No. 114, Page 10, Section 566.226, Line 12, by inserting after all of said section the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses; or
(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) **"Continuous alcohol monitoring", means automatically testing breath, blood, or transdermal alcohol concentration levels and tamper attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring is an electronic monitoring service as provided in subsection 3 of section 217.690, RSMo;**

(4) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

[(4)] (5) A "persistent offender" is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

[(5)] (6) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. **In addition to any other terms or conditions of probation or parole the court shall consider as a condition of parole or probation, for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.**

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county, or municipal court, or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.”; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute No. 2 for Senate Bill No. 114, Section 566.226, Page 10, Line 12, by inserting after all of said line the following:

"568.045. 1. **This law shall be called and may be cited as "Karra's, Hope's and Jocelyn's Law".**

2. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age or in a residence where a person less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, **possesses**, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

[2.] **3. Except as provided in subsection 4 of this section** endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.

4. Endangering the welfare of a child in the first degree when committed under subdivision (1) of subsection 2 of this section, and when the manner in which such person acts to create a substantial risk to the life,

body, or health of a child is by shaking a child under the age of five by the arms, legs, chest, or shoulders, is a felony for which the authorized term of imprisonment is any term of years but not less than fifteen years."; and

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

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

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

AMEND House Amendment No. 4 to House Committee Substitute No. 2 for Senate Bill No. 114, Page 2, Line 13, by deleting the words "**but not less than fifteen years**" and insert in lieu thereof the words "**not to exceed twenty years**"; and

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

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

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

On motion of Representative Tracy, **HCS#2 SB 114, as amended**, was adopted.

On motion of Representative Tracy, **HCS#2 SB 114, as amended**, was read the third time and passed by the following vote:

AYES: 160

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey

Skaggs	Smith 14	Smith 150	Spreng	Stevenson
Still	Storch	Stream	Sutherland	Swinger
Talboy	Thomson	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Flook Franz Tilley

Representative Icet declared the bill passed.

HCS SS SCS SB 539, relating to environmental protection, was taken up by Representative Ruzicka.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 644.101, Page 9, Line 16, by inserting immediately after said line the following:

“701.500. 1. As used in sections 701.500 to 701.515, the following terms shall mean:

(1) "Department", the department of natural resources;

(2) "Director", the director of the department of natural resources;

(3) "Energy star program", a joint program of the United States Environmental Protection Agency and the United States Department of Energy that identifies and promotes energy efficient products and practices.

2. The provisions of sections 701.500 to 701.515 shall apply to appliances [and consumer electronics that have earned the energy star under the energy star program or] that **do not** have minimum energy efficiency standards required under federal law.

3. No person shall sell, offer for sale, or install any new product listed in subsection 2 of this section in the state unless the product meets the minimum energy efficiency standards under sections 701.500 to 701.515.

4. The provisions of sections 701.500 to 701.515 shall not apply to:

(1) Consumer electronics; or

(2) Products:

[(1)] **(a)** Manufactured in the state and sold outside the state;

[(2)] **(b)** Manufactured outside the state and sold at wholesale inside the state for final retail sale outside the state;

[(3)] **(c)** Installed in mobile manufactured homes at the time of construction; or

[(4)] **(d)** Designed expressly for installation and use in recreational vehicles.

701.502. 1. The department shall conduct a study of the energy efficiency of consumer electronic products and report to the general assembly no later than July 1, 2010. The report shall include:

(1) An assessment of energy requirements and energy usage of consumer electronic products;

(2) Recommendations to consumers regarding appropriate use of consumer electronic products; and

(3) Recommendations to consumers regarding the availability of energy efficient consumer electronic products in Missouri.

2. The report shall be posted on the department's website and made available to the public upon request.

701.503. 1. In conjunction with the advisory group under section 701.509, the director shall promulgate, by rule, the minimum energy efficiency standards for the products in subsection 2 of section 701.500. 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, 2008, shall be invalid and void.

2. The standards enacted by the director, in conjunction with the advisory group under section 701.509, shall not be more stringent than the federal energy star program requirements [or], if [no] such requirements are applicable[, the minimum standard required by federal law].

701.506. In conjunction with the advisory group under section 701.509, the department shall update the minimum energy efficiency standards in section 701.503 not less than once every three years beginning from the date the standards were first promulgated by rule. The purpose of any such update shall be to keep the state standards current with technological advancements and industry practices with regard to energy efficiency, while also giving due consideration to consumer and environmental costs and benefits. The department shall strive to have the standards achieve greater energy efficiency over time in a prudent and reasonable manner. Standards shall not be more stringent than required by the federal energy star program requirements [or], if [no] such requirements are applicable[, the minimum standard required by federal law]."; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 640.160, Page 6, Line 15, by inserting after all of said line the following:

"640.300. Nothing in sections 640.300 to 640.340 shall be interpreted to impede or excuse the disclosure of normal regulatory reporting requirements for environmental compliance.

640.305. As used in sections 640.300 to 640.340, the following terms shall mean:

(1) "Compliance management system" or "environmental management system", a regulated entity's documented systematic efforts, appropriate to the size and nature of its business, to prevent, detect, and correct noncompliance through all of the following:

(a) Compliance policies, standards, and procedures that identify how employees and agents are to meet the requirements of laws, regulations, permits, enforceable agreements, and other sources of authority for environmental requirements;

(b) Assignment of overall responsibility for overseeing compliance with policies, standards, and procedures, and assignment of specific responsibility for assuring compliance at each facility or operation;

(c) Mechanisms for systematically assuring that compliance policies, standards, and procedures are being carried out, including monitoring and auditing systems reasonably designed to detect and correct noncompliance, periodic evaluation of the overall performance of the compliance management system, or environmental management system, and a means for employees or agents to report noncompliance of environmental requirements without fear of retaliation;

(d) Efforts to communicate effectively the regulated entity's standards and procedures to all employees and other agents;

(e) Appropriate incentives to managers and employees to perform in accordance with the compliance policies, standards, and procedures, including consistent enforcement through appropriate disciplinary mechanisms; and

(f) Procedures for the prompt and appropriate correction of any noncompliance, and any necessary modifications to the regulated entity's compliance management system or environmental management system to prevent future noncompliance;

(2) "Department", the department of natural resources;

(3) "Environmental audit", a systematic, documented, periodic, and objective review by regulated entities of facility operations and practices related to meeting environmental requirements;

(4) "Environmental audit report", the documented analysis, conclusions, and recommendations resulting from an environmental audit, but not including data obtained in or testimonial evidence concerning such audit;

(5) "Regulated entity", any entity, including a federal, state, or municipal department or facility, which is regulated under federal or state environmental laws.

640.310. If a regulated entity satisfies all of the conditions of section 640.330, neither the department nor the attorney general may seek penalties, other than the recovery of the economic benefits gained through noncompliance with environmental requirements, for noncompliance of state, federal, or local laws, regulations, permits, or orders relating to environmental requirements discovered and disclosed by the entity. If a regulated entity satisfies all of the conditions of section 640.330, except for the periodic routine assessment through an environmental audit or compliance management system, the department may recover as penalties the economic benefits gained through noncompliance, and reduce any other penalties up to seventy-five percent for noncompliance of state or federal laws, regulations, permits, or orders relating to environmental requirements discovered and disclosed by the entity.

640.315. If a regulated entity establishes that it satisfies subdivisions (1) to (9) of section 640.330, the department shall not recommend to the attorney general or other prosecuting authority that criminal charges be brought against the disclosing entity, as long as the department determines that the noncompliance is not part of a pattern or practice that demonstrates or involves:

(1) A prevalent management philosophy or practice that conceals or condones environmental noncompliance; or

(2) High-level corporate officials' or managers' conscious involvement in, or willful blindness to, noncompliance of federal environmental law.

640.320. Regardless of whether the department recommends the regulated entity for criminal prosecution, the department may recommend for prosecution the criminal acts of individual managers or employees under existing policies guiding the exercise of enforcement discretion.

640.325. The department, the attorney general, and any prosecuting attorney shall not request or use an environmental audit report to initiate a civil or criminal investigation of an entity, including but not limited to the use of such report in routine inspections. If the department has an independent reason to believe that noncompliance has occurred, the department may seek any information relevant to identifying noncompliance or determining liability or extent of harm.

640.330. In order to receive the benefits of sections 640.310 to 640.325, owners and operators of facilities regulated under state, federal, regional, or local laws, ordinances, regulations, permits, or orders shall comply with the following:

(1) The noncompliance was discovered through:

(a) An environmental audit; or

(b) A compliance management system, reflecting the regulated entity's due diligence in preventing, detecting, and correcting noncompliance. The regulated entity shall provide accurate and complete documentation to the department as to how its compliance management system meets the criteria or due diligence and how the regulated entity discovered the noncompliance through its compliance management system. The department may require the registered entity to make available to the public a description of its compliance management system;

(2) The noncompliance was discovered voluntarily and not through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial, or administrative order, or consent agreement. For example, sections 640.310 to 640.325, do not apply to:

(a) Emissions noncompliance detected through a continuous emissions monitor, or alternative monitor established in a permit, regulation, order, or other instrument, in which any such monitoring is required;

(b) Noncompliance of National Pollutant Discharge Elimination System discharge limits detected through required sampling or monitoring; and

(c) Noncompliance discovered through a compliance audit required to be performed by the terms of a consent order or settlement agreement, unless the audit is a component of agreement terms to implement a comprehensive environmental management system;

(3) The regulated entity fully discloses the specific noncompliance in writing to the department within twenty-one days, or such shorter time period as may be required by law, after the entity discovers that the noncompliance has, or may have, occurred. The time at which the entity discovers that a noncompliance has, or may have, occurred begins when any officer, director, employee, or agent of the facility has an objectively reasonable basis for believing that a noncompliance has, or may have, occurred;

(4) The regulated entity discovers and discloses the potential noncompliance to the department prior to:

(a) The commencement of a federal, state, or local department inspection or investigation, or the issuance by such department of an information request to the registered entity, in which the department determines that the facility did not know that it was under civil investigation, and the department determines that the entity is otherwise acting in good faith, in which case the department is authorized to reduce or waive civil penalties in accordance with section 640.310;

(b) Notice of a citizen suit;

(c) The filing of a complaint by a third party;

(d) The reporting of the noncompliance to the department or other governmental agency by a whistleblower employee and not be authorized to speak on behalf of the regulated entity; or

(e) Imminent discovery of the noncompliance by a regulatory department or agency;

(5) The regulated entity shall correct the noncompliance within sixty calendar days from the date of discovery, or such shorter time period as may be required by law, certifying in writing that the noncompliance has occurred and taking appropriate measures as determined by the department to remedy any environmental or human harm due to the noncompliance. The department retains the authority to order an entity to correct a noncompliance within a specific time period shorter than sixty days whenever correction in such shorter time period is necessary to protect public health and the environment. If more than sixty days is needed to correct the noncompliance, the regulated entity shall so request additional time from the department in writing prior to the expiration of the sixty-day period. The Missouri department of natural resources will approve or deny the request before the expiration of the sixty-day period. If the department approves additional time, the department may require a regulated entity to enter into a publicly available written agreement, administrative consent order, or judicial consent decree as a condition for obtaining relief under sections 640.310 to 640.325, in particular where compliance or remedial measures are complex or a lengthy schedule for attaining and maintaining compliance or remediating harm is required;

(6) The regulated entity shall agree in writing or other appropriate order to take steps acceptable to the director to prevent a recurrence of the noncompliance, including improvements to its environmental auditing or compliance management system;

(7) The specific noncompliance, or a closely related noncompliance, has not occurred within the previous three years at the same facility and has not occurred within the past five years as part of a pattern at multiple facilities owned or operated by the same entity. For the purposes of this section, noncompliance includes:

(a) Failure to comply with any federal, state, or local environmental law identified in a judicial or administrative order, consent agreement or order, complaint, or notice of noncompliance, conviction, or plea agreement; or

(b) Any act or omission for which the regulated entity has previously received penalty mitigation from the department or another state or local department;

(8) The noncompliance is not one which:

(a) Resulted in actual harm, or may have presented an imminent and substantial endangerment, to human health or the environment; or

(b) Violates the specific terms of any judicial or administrative order or consent agreement; and

(9) The regulated entity cooperates as requested by the department and provides such information as is necessary and requested by the department to determine applicability of sections 640.310 to 640.325.

640.335. The department shall make available to the public the terms and conditions of and supporting documentation demonstrating any compliance agreement reached under sections 640.310 to 640.325, including the nature of the noncompliance, the remedy, and the schedule for returning to compliance.

640.340. Nothing in sections 640.300 to 640.335 shall prevent a private party from bringing a cause of action, where otherwise permitted under the law, against an entity whose noncompliance with any relevant environmental law has caused damage to such private party.

640.345. The department shall not disclose from any audit report information relating to scientific and technological innovations in which the owner has a proprietary interest of any information which is otherwise protected from disclosure by law.”; and

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

On motion of Representative Bivins, **House Amendment No. 2** was adopted by the following vote:

AYES: 087

Allen	Biermann	Bivins	Brandom	Brown 30
Brown 73	Brown 149	Bruns	Burlison	Cox
Cunningham	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Emery	Ervin	Faith	Fisher 125	Flanigan
Flook	Franz	Gatschenberger	Grisamore	Guernsey
Guest	Hobbs	Holsman	Hoskins 121	Ice
Jones 89	Jones 117	Keeney	Koenig	Kraus
Lair	Largent	LeBlanc	Lipke	Loehner
McGhee	McNary	Meiners	Molendorp	Munzlinger
Nance	Nasheed	Nieves	Nolte	Parkinson
Parson	Pollock	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	Wilson 119	Wilson 130	Wright
Zerr	Mr Speaker			

NOES: 066

Atkins	Aull	Bringer	Brown 50	Burnett
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Corcoran	Curls	Davis	El-Amin	Englund
Fallert	Fischer 107	Frame	Funderburk	Grill
Harris	Hodges	Hoskins 80	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	Leara	Low	McClanahan
McDonald	McNeil	Morris	Norr	Oxford
Pace	Quinn	Roorda	Rucker	Salva
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Talboy	Todd
Vogt	Walsh	Walton Gray	Webb	Webber
Weter	Witte	Wood	Yaeger	Yates
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 010

Cooper	Dusenberg	Hughes	Kingery	LeVota
Liese	Meadows	Pratt	Spreng	Wildberger

Representative Brown (30) offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section A, Page 1, Line 4, by inserting after all of said line the following:

"91.265. Notwithstanding any other provision of law to the contrary, 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 seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants shall be authorized to be the exclusive provider of water and sanitary sewer service to all areas presently located within the boundaries of such city if such utility service is not then being provided to the inhabitants thereof by the state of Missouri or any political subdivision of the state of Missouri including, but not limited to, common sewer districts established under chapter 204, RSMo."; and

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

On motion of Representative Brown (30), **House Amendment No. 3** was adopted.

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 644.101, Page 9, Line 16, by inserting after all of said line the following:

"640.115. 1. Every municipal corporation, private corporation, company, partnership, federal establishment, state establishment or individual supplying or authorized to supply drinking water to the public within the state shall file with the department of natural resources a certified copy of the plans and surveys of the waterworks with a description of the methods of purification, treatment technology and source from which the supply of water is derived, and no source of supply shall be used without a written permit of approval issued to the continuing operating authority by the department of natural resources, or water dispensed to the public without first obtaining such written permit of approval. Prior to a change of permittee, the current permittee shall notify the department of the proposed change and the department shall perform a permit review.

2. Construction, extension or alteration of a public water system shall be in accordance with the rules and regulations of the safe drinking water commission.

3. Permit applicants shall show, as part of their application, that a permanent organization exists which will serve as the continuing operating authority for the management, operation, replacement, maintenance and modernization of the facility. Such continuing operating authority for all community water systems and nontransient, noncommunity water systems commencing operation after October 1, 1999, shall be required to have and maintain the managerial, technical and financial capacity, as determined by the department, to comply with sections 640.100 to 640.140.

4. Any community water system or nontransient, noncommunity water system against which an administrative order has been issued for significant noncompliance with the federal Safe Drinking Water Act, as amended, sections 640.100 to 640.140 or any rule or regulation promulgated thereunder shall be required to show that a permanent organization exists that serves as the continuing operating authority for the facility and that such continuing operating authority has the managerial, technical and financial capacity to comply with sections 640.100 to 640.140 and regulations promulgated thereunder. If the water system cannot show to the department's satisfaction that such continuing operating authority exists, or if the water system is not making substantial progress toward compliance, the water system's permit may be revoked. The continuing operating authority may reapply for a permit in accordance with rules promulgated by the commission.

5. (1) Any water system that only serves a charitable or benevolent organization, if the total volume of water drawn from such wells does not exceed fifteen thousand gallons per calendar month, as self-reported by the owner or operator of the water system, shall be exempt from all rules relating to well construction except any rules applying to domestic wells and rules that require proof of the quantity of water drawn from such wells, unless such wells or pump installations for such wells are determined to present a threat to groundwater or

produce water that does not meet safe drinking water standards. Failure to report or false reporting shall be subject to civil or administrative penalties as set forth in sections 640.130 or 640.131.

(2) The water system shall be evaluated for significant deficiencies as required by regulations promulgated by the Safe Drinking Water Commission. The owner or operator shall implement actions necessary to correct the significant deficiencies and provide safe drinking water that may include installing treatment to meet 4-log removal of viruses, replacing the well, or connecting to an alternative water system."; and

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

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

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 9, Section 644.101, Line 16, 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."; and

Further amend said bill, Section B, by removing all of said section and inserting in lieu thereof the following:

"Section B. Because of the need to distribute funds from the American Recovery and Reinvestment Act of 2009 in a timely and efficient manner and because of the critical need for reliable and affordable energy, the repeal and reenactment of sections 640.107, 640.150, 644.036, 644.054, and 644.101 and the enactment of sections 204.659, 640.160, and 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 the repeal and reenactment of section 640.107, 640.150, 644.036, 644.054, and 644.101 and the enactment of sections 204.659, 640.160, 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.

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

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 644.036, Page 8, Line 64, by inserting immediately after all of said section and line the following:

“644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source, **including but not limited to the land application of any water contaminant from an industrial process**, in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. **A permit issued pursuant to this chapter is required for any land application of any water contaminant from an industrial process unless exempted by the commission by rule prior to August 28, 2009. If the department determines a previously exempted person may violate subpart 1 above, the department may, upon notice to such person, rescind such exemption.** However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works, **unless the department determines such a permit is necessary to protect human health, public welfare or the environment. As used in this subsection, the term “industrial process” does not include concentrated animal feeding operations.**

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule. Prior to the development or renewal of a general permit or permit by rule, for aquaculture, the director shall convene a meeting or meetings of permit holders and

applicants to evaluate the impacts of permits and to discuss any terms and conditions that may be necessary to protect waters of the state. Following the discussions, the director shall finalize a draft permit that considers the comments of the meeting participants and post the draft permit on notice for public comment. The director shall concurrently post with the draft permit an explanation of the draft permit and shall identify types of facilities which are subject to the permit conditions. Affected public or applicants for new general permits, renewed general permits or permits by rule may request a hearing with respect to the new requirements in accordance with this section. If a request for a hearing is received, the commission shall hold a hearing to receive comments on issues of significant technical merit and concerns related to the responsibilities of the Missouri clean water law. The commission shall conduct such hearings in accordance with this section. After consideration of such comments, a final action on the permit shall be rendered. The time between the date of the hearing request and the hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of subsection 13 of this section.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Unless a site-specific permit is requested by the applicant, aquaculture facilities shall be governed by a general permit issued pursuant to this section with a fee not to exceed two hundred fifty dollars pursuant to subdivision (5) of subsection 6 of section 644.052. However, any aquaculture facility which materially violates the conditions and requirements of such permit may be required to obtain a site-specific permit.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required

for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.”; and

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

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

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

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 278.070, Page 3, Line 37, by inserting after all of said line the following:

"386.756. 1. Except by an affiliate, a utility may not engage in HVAC services, unless otherwise provided in subsection 7 or 8 of this section.

2. No affiliate or utility contractor may use any vehicles, service tools, instruments, employees, or any other utility assets, the cost of which are recoverable in the regulated rates for utility service, to engage in HVAC services unless the utility is compensated for the use of such assets at cost to the utility.

3. A utility may not use or allow any affiliate or utility contractor to use the name of such utility to engage in HVAC services unless the utility, affiliate or utility contractor discloses, in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services, a disclaimer that states the services provided are not regulated by the public service commission.

4. A utility may not engage in or assist any affiliate or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility's regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

5. Any affiliates or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the utility.

6. The provisions of this section shall apply to any affiliate or utility contractor engaged in HVAC services that is owned, controlled or under common control with a utility providing regulated utility service in this state or any other state.

7. A utility engaging in HVAC services in this state five years prior to August 28, 1998, may continue providing, to existing as well as new customers, the same type of services as those provided by the utility five years prior to August 28, 1998. The provisions of this section only apply to the area of service which the utility was actually supplying service to on a regular basis prior to August 28, 1993. The provisions of this section shall not apply to any subsequently expanded areas of service made by a utility through either existing affiliates or subsidiaries or through affiliates or subsidiaries purchased after August 28, 1993, unless such services were being provided in the expanded area prior to August 28, 1993.

8. The provisions of this section shall not be construed to prohibit a utility from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the public service commission.

9. A utility that violates any provision of this section is guilty of a civil offense and may be subject to a civil penalty of up to twelve thousand five hundred dollars for each violation. The attorney general may enforce the provisions of this section pursuant to any powers granted to him or her pursuant to any relevant provisions provided by Missouri statutes or the Missouri Constitution.

10. Any utility claiming an exemption as provided in subsection 7 of this section shall comply with all applicable state and local laws, ordinances or regulations relating to the installation or maintenance of HVAC systems including all permit requirements. A continuing pattern of failure to comply with said requirements shall provide the basis for a finding by any court of competent jurisdiction or the public service commission that the utility has waived its claim of exemption pursuant to subsection 7 of this section.

11. Every utility in this state shall comply with all local permit and code requirements."; and

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

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

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

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section B, Page 9, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"sections 278.070, 640.107, 640.150, 644.036, 644.054, and 644.101 and the enactment of sections"; and

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

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

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

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section A, Page 1, Line 4, by inserting immediately after all of said section and line the following:

“30.750. As used in sections 30.750 to 30.767, the following terms mean:

(1) "Eligible agribusiness", a person engaged in the processing or adding of value to agricultural products produced in Missouri;

(2) **"Eligible alternative energy consumer", an individual who wishes to borrow moneys for the purchase, installation, or construction of facilities or equipment related to the production of fuel or power primarily for their own use from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass;**

(3) "Eligible alternative energy operation", a business enterprise engaged in the production [and sale] of fuel or power from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision [(5)] (6) of this section;

[(3)] (4) "Eligible beginning farmer",

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

a. Is a Missouri resident;

b. Wishes to borrow for a farm operation located in Missouri;

c. Is at least eighteen years old; and

d. In the preceding five years has not owned, either directly or indirectly, farm land greater than fifty percent of the average size farm in the county where the proposed farm operation is located or farm land with an appraised value greater than four hundred fifty thousand dollars. A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;

(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:

a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax-exempt financing, including the limitations on the use of loan proceeds; and

b. Meets all other requirements established by the Missouri agriculture and small business development authority;

[(4)] (5) "Eligible facility borrower", a borrower qualified under section 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.767;

[(5)] (6) "Eligible farming operation", any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo, that has all of the following characteristics:

(a) Is headquartered in this state;

(b) Maintains offices, operating facilities, or farming operations and transacts business in this state;

(c) Employs less than ten employees;

(d) Is organized for profit;

[(e)] Possesses not more than sixty percent equity, where "percent equity" is defined as total assets minus total liabilities divided by total assets, except that an otherwise eligible farming operation applying for a loan for the purpose of installing or improving a waste management practice in order to comply with environmental protection regulations shall be exempt from this eligibility requirement;]

(7) **"Eligible governmental entity", any political subdivision of the state or any public higher education institution in the state seeking to finance capital improvements, capital outlay, or other significant programs through an eligible lending institution;**

[(6)] (8) "Eligible higher education institution", any approved public or private institution as defined in section 173.205, RSMo;

[(7)] (9) "Eligible job enhancement business", a new, existing, or expanding firm operating in Missouri, or as a condition of accepting the linked deposit, will locate a facility or office in Missouri associated with said linked deposit, which employs ten or more employees in Missouri on a yearly average and which, as nearly as possible, is able to establish or retain at least one job in Missouri for each fifty thousand dollars received from a linked deposit loan **except when the applicant can demonstrate significant costs for equipment, capital outlay, or capital improvements associated with the physical expansion, renovation, or modernization of a facility or equipment. In such cases,**

the maximum amount of the linked deposit shall not exceed fifty thousand dollars per job created or retained plus the initial cost of the physical expansion, renovation or capital outlay;

[(8)] (10) "Eligible lending institution", a financial institution that is eligible to make commercial or agricultural or student loans or discount or purchase such loans, is a public depository of state funds or obtains its funds through the issuance of obligations, either directly or through a related entity, eligible for the placement of state funds under the provisions of section 15, article IV, Constitution of Missouri, and agrees to participate in the linked deposit program;

[(9)] (11) "Eligible livestock operation", any person engaged in production of livestock or poultry in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo;

[(10)] (12) "Eligible locally owned business", any person seeking to establish a new firm, partnership, cooperative company, or corporation that shall retain at least fifty-one percent ownership by residents in a county in which the business is headquartered, that consists of the following characteristics:

- (a) The county has a median population of twelve thousand five hundred or less; and
- (b) The median income of residents in the county are equal to or less than the state median income; or
- (c) The unemployment rate of the county is equal to or greater than the state's unemployment rate;

[(11)] (13) "Eligible marketing enterprise", a business enterprise operating in this state which is in the process of marketing its goods, products or services within or outside of this state or overseas, which marketing is designed to increase manufacturing, transportation, mining, communications, or other enterprises in this state, which has proposed its marketing plan and strategy to the department of economic development and which plan and strategy has been approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.767. Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of subdivision [(5)] (6) of this section and also employ less than twenty-five employees;

[(12)] (14) "Eligible multitenant development enterprise", a new enterprise that develops multitenant space for targeted industries as determined by the department of economic development and approved by the department for the purposes of eligibility pursuant to sections 30.750 to 30.767;

[(13)] (15) "Eligible residential property developer", an individual who purchases and develops a residential structure of either two or four units, if such residential property developer uses and agrees to continue to use, for at least the five years immediately following the date of issuance of the linked deposit loan, one of the units as his principal residence or if such person's principal residence is located within one-half mile from the developed structure and such person agrees to maintain the principal residence within one-half mile of the developed structure for at least the five years immediately following the date of issuance of the linked deposit loan;

[(14)] (16) "Eligible residential property owner", a person, firm or corporation who purchases, develops or rehabilitates a multifamily residential structure;

[(15)] (17) "Eligible small business", a person engaged in an activity with the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision [(5)] (6) of this section, and also employs less than [twenty-five] **one hundred** employees;

[(16)] (18) "Eligible student borrower", any person attending, or the parent of a dependent undergraduate attending, an eligible higher education institution in Missouri who may or may not qualify for need-based student financial aid calculated by the federal analysis called Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986);

[(17)] (19) "Eligible water supply system", a water system which serves fewer than fifty thousand persons and which is owned and operated by:

- (a) A public water supply district established pursuant to chapter 247, RSMo; or
- (b) A municipality or other political subdivision; or
- (c) A water corporation; and which is certified by the department of natural resources in accordance with its rules and regulations to have suffered a significant decrease in its capacity to meet its service needs as a result of drought;

[(18)] (20) "Farming", using or cultivating land for the production of agricultural crops, livestock or livestock products, forest products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products;

[(19)] (21) "Linked deposit", a certificate of deposit, or in the case of production credit associations, the subscription or purchase outright of obligations described in section 15, article IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at rates otherwise provided by law in section 30.758, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.767, to **eligible multitenant development enterprises**, eligible small businesses, eligible alternative energy operations, **eligible alternative energy consumers**, eligible locally owned businesses, farming operations, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, **eligible governmental entities**, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems at below the present

borrowing rate applicable to each **multitenant development enterprise**, small business, **alternative energy operation**, **alternative energy consumer**, farming operation, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, or supply system at the time of the deposit of state funds in the institution;

[(20)] **(22)** "Market rate", the interest rate tied to federal government securities and more specifically described in subsection 4 of section 30.260;

[(21)] **(23)** "Professional forester", any individual who holds a bachelor of science degree in forestry from a regionally accredited college or university with a minimum of two years of professional forest management experience;

[(22)] **(24)** "Qualified biomass", any agriculture-derived organic material or any wood-derived organic material harvested in accordance with a site-specific forest management plan focused on long-term forest sustainability developed by a professional forester and qualified, in consultation with the conservation commission, by the agriculture and small business development authority;

[(23)] **(25)** "Water corporation", as such term is defined in section 386.020, RSMo;

[(24)] **(26)** "Water system", as such term is defined in section 386.020, RSMo.

30.753. 1. The state treasurer may invest in linked deposits; however, the total amount so deposited at any one time shall not exceed, in the aggregate, seven hundred twenty million dollars. No more than three hundred thirty million dollars of the aggregate deposit shall be used for linked deposits to eligible farming operations, eligible locally owned businesses, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, and eligible facility borrowers, no more than one hundred ten million of the aggregate deposit shall be used for linked deposits to small businesses, no more than twenty million dollars shall be used for linked deposits to eligible multitenant development enterprises, and no more than twenty million dollars of the aggregate deposit shall be used for linked deposits to eligible residential property developers and eligible residential property owners, no more than two hundred twenty million dollars of the aggregate deposit shall be used for linked deposits to eligible job enhancement businesses and no more than twenty million dollars of the aggregate deposit shall be used for linked deposit loans to eligible water systems. Linked deposit loans may be made to eligible student borrowers [and], eligible alternative energy operations, **eligible alternative energy consumers, and eligible governmental entities** from the aggregate deposit. If demand for a particular type of linked deposit exceeds the initial allocation, and funds initially allocated to another type are available and not in demand, the state treasurer may commingle allocations among the types of linked deposits.

2. The minimum deposit to be made by the state treasurer to an eligible lending institution for eligible job enhancement business loans shall be ninety thousand dollars. Linked deposit loans for eligible job enhancement businesses may be made for the purposes of assisting with relocation expenses, working capital, interim construction, inventory, site development, machinery and equipment, or other expenses necessary to create or retain jobs in the recipient firm.

30.756. 1. An eligible lending institution that desires to receive a linked deposit shall accept and review applications for linked deposit loans from eligible multitenant enterprises, eligible farming operations, **eligible alternative energy consumers**, eligible alternative energy operations, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible residential property developers, eligible residential property owners, **eligible governmental entities**, eligible student borrowers, eligible facility borrowers, and eligible water supply systems. An eligible residential property owner shall certify on his or her loan application that the reduced rate loan will be used exclusively to purchase, develop or rehabilitate a multifamily residential property. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entities**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. No linked deposit loan made to any **eligible multitenant development enterprise**, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible livestock operation, eligible agribusiness **eligible beginning farmer, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible student borrower, eligible water supply system**, or eligible small business shall exceed a dollar limit determined by the state treasurer in the state treasurer's best judgment, except as otherwise limited. Any

link deposit loan made to an eligible facility borrower shall be in accordance with the loan amount and loan term requirements in section 30.860.

2. An eligible farming operation, small business or job enhancement business shall certify on its loan application that the reduced rate loan will be used exclusively for necessary production expenses or the expenses listed in subsection 2 of section 30.753 or the refinancing of an existing loan for production expenses or the expenses listed in subsection 2 of section 30.753 of an eligible farming operation, small business or job enhancement business. Whoever knowingly makes a false statement concerning such application is guilty of a class A misdemeanor. An eligible water supply system shall certify on its loan application that the reduced rate loan shall be used exclusively to pay the costs of upgrading or repairing an existing water system, constructing a new water system, or making other capital improvements to a water system which are necessary to improve the service capacity of the system.

3. In considering which eligible farming operations should receive reduced-rate loans, the eligible lending institution shall give priority to those farming operations which have suffered reduced yields due to drought or other natural disasters and for which the receipt of a reduced-rate loan will make a significant contribution to the continued operation of the recipient farming operation.

4. The eligible financial institution shall forward to the state treasurer a linked deposit loan package, in the form and manner as prescribed by the state treasurer. The package shall include such information as required by the state treasurer, including the amount of each loan requested. The institution shall certify that each applicant is an **eligible multitenant development enterprise**, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, and shall, for each **eligible multitenant development enterprise**, eligible farming operation, **eligible alternative energy operation**, **eligible alternative energy consumer**, **eligible** small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, certify the present borrowing rate applicable.

5. The eligible lending institution shall be responsible for determining if a student borrower is an eligible student borrower. A student borrower shall be eligible for an initial or renewal reduced-rate loan only if, at the time of the application for the loan, the student is a citizen or permanent resident of the United States, a resident of the state of Missouri as defined by the coordinating board for higher education, is enrolled or has been accepted for enrollment in an eligible higher education institution, and establishes that the student has financial need. In considering which eligible student borrowers may receive reduced-rate loans, the eligible lending institution may give priority to those eligible student borrowers whose income, or whose family income, if the eligible student borrower is a dependent, is such that the eligible student borrower does not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986). The eligible lending institution shall require the eligible student borrower to document that the student has applied for and has obtained all need-based student financial aid for which the student is eligible prior to application for a reduced-rate loan pursuant to this section. In no case shall the combination of all financial aid awarded to any student in any particular enrollment period exceed the total cost of attendance at the institution in which the student is enrolled. No eligible lending institution shall charge any additional fees, including but not limited to an origination, service or insurance fee on any loan agreement under the provisions of sections 30.750 to 30.765.

6. The eligible lending institution making an initial loan to an eligible student borrower may make a renewal loan or loans to the student. The total of such reduced-rate loans from eligible lending institutions made pursuant to this section to any individual student shall not exceed the cumulative totals established by 20 U.S.C. 1078, as amended. An eligible student borrower shall certify on his or her loan application that the reduced rate loan shall be used exclusively to pay the costs of tuition, incidental fees, books and academic supplies, room and board and other fees directly related to enrollment in an eligible higher education institution. The eligible lending institution shall make the loan payable to the eligible student borrower and the eligible higher education institution as co-payees. The method of repayment of the loan shall be the same as for repayment of loans made pursuant to sections 173.095 to 173.186, RSMo.

7. Beginning August 28, 2005, in considering which eligible multitenant **development** enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system should receive reduced-rate loans, the eligible lending institution shall give priority to an eligible

multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system that has not previously received a reduced-rate loan through the linked deposit program. However, nothing shall prohibit an eligible lending institution from making a reduced-rate loan to any entity that previously has received such a loan, if such entity otherwise qualifies for such a reduced-rate loan.

30.758. 1. The state treasurer may accept or reject a linked deposit loan package or any portion thereof.

2. The state treasurer shall make a good faith effort to ensure that the linked deposits are placed with eligible lending institutions to make linked deposit loans to minority- or female-owned eligible multitenant enterprises, eligible farming operations, eligible alternative energy operations, **eligible alternative energy consumers**, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, **eligible governmental entities**, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems. Results of such effort shall be included in the linked deposit review committee's annual report to the governor.

3. Upon acceptance of the linked deposit loan package or any portion thereof, the state treasurer may place linked deposits with the eligible lending institution as follows: when market rates are five percent or above, the state treasurer shall reduce the market rate by up to three percentage points to obtain the linked deposit rate; when market rates are less than five percent, the state treasurer shall reduce the market rate by up to sixty percent to obtain the linked deposit rate, provided that the linked deposit rate is not below one percent. All linked deposit rates are determined and calculated by the state treasurer. When necessary, the treasurer may place linked deposits prior to acceptance of a linked deposit loan package.

4. The eligible lending institution shall enter into a deposit agreement with the state treasurer, which shall include requirements necessary to carry out the purposes of sections 30.750 to 30.767. The deposit agreement shall specify the length of time for which the lending institution will lend funds upon receiving a linked deposit, and the original deposit plus renewals shall not exceed five years, except as otherwise provided in this chapter. The agreement shall also include provisions for the linked deposit of a linked deposit for an eligible facility borrower, eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower or job enhancement business. Interest shall be paid at the times determined by the state treasurer.

5. The period of time for which such linked deposit is placed with an eligible lending institution shall be neither longer nor shorter than the period of time for which the linked deposit is used to provide loans at reduced interest rates. The agreement shall further provide that the state shall receive market interest rates on any linked deposit or any portion thereof for any period of time for which there is no corresponding linked deposit loan outstanding to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, except as otherwise provided in this subsection. Within thirty days after the annual anniversary date of the linked deposit, the eligible lending institution shall repay the state treasurer any linked deposit principal received from borrowers in the previous yearly period and thereafter repay such principal within thirty days of the yearly anniversary date calculated separately for each linked deposit loan, and repaid at the linked deposit rate. Such principal payment shall be accelerated when more than thirty percent of the linked deposit loan is repaid within a single monthly period. Any principal received and not repaid, up to the point of the thirty percent or more payment, shall be repaid within thirty days of that payment at the linked deposit rate. Finally, when the linked deposit is tied to a revolving line of credit agreement between the banking institution and its borrower, the full amount of the line of credit shall be excluded from the repayment provisions of this subsection.

30.760. 1. Upon the placement of a linked deposit with an eligible lending institution, such institution is required to lend such funds to each approved eligible multitenant enterprise, eligible farm operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible

residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system listed in the linked deposit loan package required by section 30.756 and in accordance with the deposit agreement required by section 30.758. The loan shall be at a fixed rate of interest reduced by the amount established under subsection 3 of section 30.758 to each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system as determined pursuant to rules and regulations promulgated by the state treasurer under the provisions of chapter 536, RSMo, including emergency rules issued pursuant to section 536.025, RSMo. In addition, the loan agreement shall specify that the eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system shall use the proceeds as required by sections 30.750 to 30.765, and that in the event the loan recipient does not use the proceeds in the manner prescribed by sections 30.750 to 30.765, the remaining proceeds shall be immediately returned to the lending institution and that any proceeds used by the loan recipient shall be repaid to the lending institution as soon as practicable. All records and documents pertaining to the programs established by sections 30.750 to 30.765 shall be segregated by the lending institution for ease of identification and examination. A certification of compliance with this section in the form and manner as prescribed by the state treasurer shall be required of the eligible lending institution. Any lender or lending officer of an eligible lending institution who knowingly violates the provisions of sections 30.750 to 30.765 is guilty of a class A misdemeanor.

2. The state treasurer shall take any and all steps necessary to implement the linked deposit program and monitor compliance of eligible multitenant enterprises, eligible lending institutions, eligible farming operations, eligible alternative energy operations, **eligible alternative energy consumers**, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, **eligible governmental entities**, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible facility borrowers, or eligible water supply systems.

30.765. The state and the state treasurer are not liable to any eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible multitenant enterprise, eligible farm operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. Any delay in payments or default on the part of an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, **eligible alternative energy consumer**, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, **eligible governmental entity**, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system does not in any manner affect the deposit agreement between the eligible lending institution and the state treasurer.

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

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

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

3. This section and section 620.1039, RSMo, shall become effective January 1, 2001."; and

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

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

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

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Section 644.101, Page 9, Line 16, by inserting after all of said line the following:

"Section 1. 1. As used in this section:

(1) "Entity", any person, group of persons, partnership, firm, association, joint stock association, corporation, cooperative, state agency, federal agency, political subdivision, municipality, any institution of higher education, or any other legal entity, whether profit or nonprofit;

(2) "Single injection site", all contiguous real property owned, leased, or licensed by the entity or entities engaged contractually in such injection at a particular location, regardless of where a release or migration may occur, within or without the single injection site, and regardless of the number of injection points within the single injection site.

2. The limits of liability for personal injury or death of any public or private entity arising from or related to the geologic sequestration of carbon dioxide or related substances resulting from the combustion of coal, coal-derived fuels, and gas, natural gas, propane, or any other substances in the generation of electricity, or any sequestration research or testing related thereto, shall not exceed two million dollars for all claims arising from a single injection site and shall not exceed three hundred thousand dollars for any one person arising from a single injection site, except for those claims governed by chapter 287, RSMo.

3. No award for personal injury or death arising from or related to the geologic sequestration of carbon dioxide and related substances resulting from the combustion of coal, natural gas, propane, or any other substances in the generation of electricity, or any sequestration research or testing related thereto, shall include punitive or exemplary damages.

4. The limitations on liability set forth in this section shall include any liability for the acts or omissions of the employees or agents of the public or private entity involved or related to the geologic sequestration of carbon dioxide and related substances or sequestration research or testing.

5. If the amount awarded to or settled upon multiple claimants exceeds two million dollars, any party may apply to the appropriate circuit court to apportion his or her proper share of the total amount. Such share

shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of a single injection site, but shall not exceed three hundred thousand dollars.

6. Nothing in this section shall be construed to waive any immunities or requirements of any cause of action, or create any cause of action.

7. The provisions of this section shall only apply to single injection sites located in a county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants.”; and

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

Representative Viebrock moved that **House Amendment No. 10** be adopted.

Which motion was defeated by the following vote:

AYES: 072

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

NOES: 085

Atkins	Aull	Biermann	Bringer	Brown 30
Brown 50	Brown 73	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Corcoran	Curls
Dougherty	Dusenberg	El-Amin	Englund	Fallert
Fischer 107	Flook	Frame	Funderburk	Grill
Guest	Harris	Hodges	Holsman	Hoskins 80
Hughes	Hummel	Jones 63	Jones 89	Kander
Kelly	Kirkton	Komo	Kratky	Kraus
Kuessner	Lampe	LeBlanc	LeVota	Liese
Lipke	Low	McClanahan	McDonald	McNeil
Meadows	Meiners	Molendorp	Morris	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Scharnhorst	Schieffer	Schoemehl
Schupp	Shively	Silvey	Skaggs	Stevenson
Still	Storch	Sutherland	Swinger	Talboy
Todd	Walsh	Walton Gray	Webb	Webber
Wildberger	Witte	Yaeger	Yates	Zimmerman

PRESENT: 001

Wilson 130

ABSENT WITH LEAVE: 005

Denison

Nasheed

Spreng

Vogt

Wallace

Representative Holsman offered House Amendment No. 11.

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 539, Page 3, Section 278.070, Line 37, by inserting after all of said line the following:

"360.106. 1. As used in this section and sections 360.111 to 360.118, the following terms mean:

(1) "Funding agreement", any loan agreement, financing agreement or other agreement between the authority and a participating district under this section, providing for the use of proceeds of, security for, and the repayment of, school district bonds, and shall include a complete waiver by the participating district of all powers, rights and privileges conferred upon the participating district to institute any action authorized by any act of the Congress of the United States relating to bankruptcy on the part of the participating district;

(2) "Participating district", with respect to a particular issue of bonds, notes or other financial obligations, any school district and any public community college in this state which voluntarily enters into a funding agreement with the authority pursuant to this section;

(3) "School district bonds", any bonds, notes or other obligations issued by the authority for the purpose of making loans to, purchasing the bonds or notes of or otherwise by agreement using or providing for the use of the proceeds of the obligations by a participating district under this section and all related costs of issuance of the obligations including, but not limited to, all costs, charges, fees and expenses of underwriters, financial advisors, attorneys, consultants, accountants and of the authority.

2. In addition to other powers granted to the authority by sections 360.010 to 360.140, the authority shall have the power to issue school district bonds or notes for the purpose of making loans to, or purchasing the bonds, notes or other financial instruments of:

(1) Any school district or any public community college in this state for the use of the various funds of such school district or public community college for any lawful purpose; and

(2) Any school district in this state with respect to obligations issued by such school district pursuant to sections 164.121 to 164.301, RSMo, or otherwise by law.

3. In connection with the issuance of school district bonds pursuant to the powers granted in this section, the authority shall have all powers as set forth elsewhere in sections 360.010 to 360.140, and the provisions of sections 360.010 to 360.140 shall be applicable to the issuance of school district bonds to the extent that they are not inconsistent with the provisions of this section.

4. School district bonds issued pursuant to this section may be secured by a pledge of payments made to the authority by the participating district, by the bonds or notes of the participating district, or by a pooling of such payments, bonds or notes of two or more of such participating districts or as otherwise set forth in the funding agreements.

5. The authority may invest any funds held pursuant to powers granted under this section, which are not required for immediate disbursement, in any investment approved by the authority and specified in the trust indenture or resolution pursuant to which such bonds or notes are issued without regard to any limitation otherwise imposed by section 360.120 or otherwise by law; provided, however, that each participating district shall receive the earnings, or a credit for such earnings, to the extent any such amounts invested are attributable to a particular participating district.

6. (1) In connection with school district bonds, upon certification by the authority to the commissioner of education and the state treasurer that the funding agreement provides for consent by a participating district for direct deposit of its state payments to the trustee, the state treasurer shall transfer, but only out of funds described in this section, directly to the trustee for such school district bonds, the amounts needed to pay the principal and interest when due on the school district bonds attributable to a particular participating district. Such transfers for any school district bonds attributable to a particular participating district shall only be made out of, and to the extent of, the state payments and distributions from all funds to be made by the state to such participating district pursuant to sections 163.011 to

163.195, RSMo. Any such transfer by the state on behalf of a participating district shall discharge the state's obligation to make such state payments to such participating district to the extent of such transfer;

(2) A participating district shall withdraw amounts from any of its funds established pursuant to section 165.011, RSMo, to the extent such amounts could have been used to make the payments made on its behalf by the state treasurer as provided in subdivision (1) of this subsection. Notwithstanding any provisions of section 108.180, RSMo, to the contrary, such amounts shall be deposited into the participating district's funds as provided by law in lieu of the state payments transferred to the trustee under the funding agreement;

(3) The authority shall from time to time develop guidelines containing certain criteria with respect to participating school districts and with respect to the issuance of school district bonds;

(4) Transfers made under this subsection pursuant to a school district's participation in a funding agreement under this section shall be made at no cost to the school district.

7. The authority shall provide for the payment of costs of issuance, costs of credit enhancement and any other costs or fees related to the issuance of any school district bonds other than reserve funds, out of the proceeds thereof or out of amounts distributed annually to the authority pursuant to sections 160.534 and 164.303, RSMo. The authority shall annually submit a request for funding of such costs to the commissioner of education in such form and at such time as he may request. A copy of such request shall be forwarded to the commissioner of administration. The authority shall provide for the payment of costs pursuant to this subsection only for bonds issued for the purpose of financing construction or renovation projects approved by voters after January 1, 1995, or refinancing construction or renovation projects or for refinance of lease purchase obligations with general obligation bonds.

8. Any refunding or refinancing of existing bonds of a school district under this section shall have a net present value savings of at least one and one-half percent of the par amount of the refunded bonds.

9. The commissioner of education shall serve as an ex officio, nonvoting, advisory member of the authority solely with regard to the exercise of powers granted pursuant to this section.

10. Nothing in this section or sections 360.111 to 360.118 shall be construed to relieve a school district or public community college of its obligation to levy a debt service levy or capital projects levy sufficient to retire any obligation of the district or college as otherwise provided by law.

11. Any professional services provided in connection with the sale of such bonds pursuant to this section, including, but not limited to, underwriters, bond counsel, underwriters' counsel, trustee and financial advisors, shall be obtained through competitive bidding. The initial bid for professional services shall be for a period of not longer than two years, and thereafter such bids shall be awarded for a period not longer than one year.

12. The authority shall review the cost effectiveness of the program established under this section and sections 360.111 to 360.118 and shall, on or before the fifteenth of August of each year, provide a report to the general assembly which shall contain a report on the program, the authority's findings and a recommendation of whether this section should be repealed, strengthened or otherwise amended.

13. Any public school district contemplating new construction or renovation of any public school building shall certify a cost analysis of building to LEED certification or equivalent certification verses the long-term cost of ownership and operation of a new or renovated building without LEED certification or equivalent certification. The school district shall include reasons in their certification for their recommendation to build or not to build to LEED certification or equivalent certification, taking into account the differences in the cost analysis. For purposes of this section, "LEED certification" shall mean any certification issued by the United States Green Building Council under the Leadership in Energy and Environmental Design Green Building Rating System.

14. Notwithstanding any other law, no funding of any type shall be provided to a public school district under the provisions of this section for new construction or renovation of any public school building unless the requirements of subsection 13 of this section are satisfied."; and

Further amend said bill, Page 6, Section 640.160, Line 15, by inserting after all of said line the following:

"640.698. 1. This section shall be known and may be cited as the "Solar Water Heating System Incentive Program", which shall provide financial incentives for the purchase and installation of solar water heating systems in private residences.

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

(1) "Homebuilder" or "homebuilders", a person, commercial firm, or company whose occupation is to build private residences;

(2) "Homeowner" or "homeowners", one who owns a private residence;

(3) "Private residence" or "private residences", the place in which a homeowner lives or resides.

3. Subject to appropriations from the general assembly, the department of natural resources shall provide an incentive to a homeowner or a homebuilder for the purchase and installation of a solar water heating system in a private residence.

4. A solar water heating system qualifies for an incentive under this section if:

(1) The homeowner or homebuilder provides proof-of-purchase of the solar water heating system;
(2) The homeowner or homebuilder provides proof that the solar water heating system was installed in conformity with the manufacturer's specifications and all applicable codes and standards;

(3) The solar water heating system's components are new and unused and have not previously been placed in service in any other location or for any other homeowner or homebuilder;

(4) The solar water heating system has a warranty of not less than two years to protect against defects and undue degradation;

(5) The solar water heating system has been installed in a private residence;

(6) The solar water heating system conforms to any other applicable requirements as determined by the department of natural resources.

5. To receive an incentive under this section, a homeowner or homebuilder shall apply to the department of natural resources. If the solar water heating system qualifies, the homeowner or homebuilder shall receive an incentive in the amount of five hundred dollars. One five hundred dollar incentive shall be allowed per homeowner per year, and three five hundred dollar incentives shall be allowed per homebuilder per year. Incentives under this subsection shall not exceed one hundred thousand dollars in any given year.

6. Incentives to qualifying homeowners or homebuilders shall be dispersed in January, March, May, July, and September, but no more than forty incentives shall be dispersed in each month provided in this subsection.

7. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under 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.

8. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

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

Representative Holsman moved that **House Amendment No. 11** be adopted.

Which motion was defeated.

On motion of Representative Ruzicka, **HCS SS SCS SB 539, as amended**, was adopted.

On motion of Representative Ruzicka, **HCS SS SCS SB 539, as amended**, was read the third time and passed by the following vote:

AYES: 144

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

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

NOES: 009

Bringer	Burnett	Frame	Harris	Hoskins 80
Oxford	Quinn	Shively	Skaggs	

PRESENT: 000

ABSENT WITH LEAVE: 010

Bruns	Calloway	Cooper	Denison	Hobbs
Hughes	Low	Scharnhorst	Spreng	Sutherland

Representative Iceet declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 148

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	El-Amin	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 121	Hummel	Iceet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo

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Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Sater
Scavuzzo	Schaaf	Schad	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Still
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Vogt
Wallace	Walsh	Wasson	Webb	Webber
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 011

Bringer	Burnett	Frame	Hoskins 80	Hughes
Oxford	Quinn	Shively	Skaggs	Talboy
Walton Gray				

PRESENT: 000

ABSENT WITH LEAVE: 004

Cooper	Denison	Low	Scharnhorst
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THIRD READING OF SENATE BILLS - CONSENT

SCS SB 265, relating to the statewide court automation fee, was taken up by Representative Jones (89).

On motion of Representative Jones (89), **SCS SB 265** was truly agreed to and finally passed by the following vote:

AYES: 157

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	El-Amin	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hughes	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese

Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Oxford	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	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	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 001

Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 005

Cooper	Denison	Roorda	Salva	Vogt
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Representative Icet declared the bill passed.

HCS SCS SB 152, relating to a nursing student loan program, was taken up by Representative Loehner.

On motion of Representative Loehner, **HCS SCS SB 152** was read the third time and passed by the following vote:

AYES: 153

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Corcoran	Cox
Cunningham	Davis	Day	Deeken	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	El-Amin	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Holsman	Hoskins 80	Hoskins 121	Hughes
Hummel	Icet	Jones 63	Jones 117	Kander
Keeney	Kelly	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Norr	Oxford	Pace	Parkinson

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Parson	Pollock	Pratt	Quinn	Riddle
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Webb	Webber
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Brown 30	Cooper	Curls	Denison	Funderburk
Jones 89	Nieves	Nolte	Roorda	Vogt

Representative Icet declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 62**, entitled:

An act to repeal sections 43.540, 115.350, 174.700, 195.214, 195.217, 195.218, 217.450, 217.460, 217.665, 229.110, 302.311, 302.750, 303.024, 311.325, 311.326, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.021, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 576.050, 577.029, 578.030, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 650.050, 650.052, and 650.055, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof seventy-four new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8 and Senate Amendment No. 9.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 32, Section 311.326, Line 7, by inserting immediately after said line the following:

"407.1500. 1. As used in this section, the following terms mean:

(1) "Breach of security" or "breach", unauthorized access to and unauthorized acquisition of personal information maintained in computerized form by a person that compromises the security, confidentiality, or integrity of the personal information. Good faith acquisition of personal information by a person or that person's employee or agent for a legitimate purpose of that person is not a breach of security, provided that the personal information is not used in violation of applicable law or in a manner that harms or poses an actual threat to the security, confidentiality, or integrity of the personal information;

(2) "Consumer", an individual who is a resident of this state;

(3) "Consumer reporting agency", the same as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Section 1681a;

(4) "Encryption", the use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without the use of a confidential process or key;

(5) "Health insurance information", an individual's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the individual;

(6) "Medical information", any information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional;

(7) "Owns or licenses" includes, but is not limited to, personal information that a business retains as part of the internal customer account of the business or for the purpose of using the information in transactions with the person to whom the information relates;

(8) "Person", any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, governmental agency, governmental instrumentality, public corporation, or any other legal or commercial entity;

(9) "Personal information", an individual's first name or first initial and last name in combination with any one or more of the following data elements that relate to the individual if any of the data elements are not encrypted, redacted, or otherwise altered by any method or technology in such a manner that the name or data elements are unreadable or unusable:

(a) Social Security number;

(b) Driver's license number or other unique identification number created or collected by a government body;

(c) Financial account number, credit card number, or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account;

(d) Unique electronic identifier or routing code, in combination with any required security code, access code, or password that would permit access to an individual's financial account;

(e) Medical information; or

(f) Health insurance information.

"Personal information" does not include information that is lawfully obtained from publicly available sources, or from federal, state, or local government records lawfully made available to the general public;

(10) "Redacted", altered or truncated such that no more than five digits of a social security number or the last four digits of a driver's license number, state identification card number, or account number is accessible as part of the personal information.

2. (1) Any person that owns or licenses personal information of residents of Missouri or any person that conducts business in Missouri that owns or licenses personal information in any form of a resident of Missouri shall provide notice to the affected consumer that there has been a breach of security following discovery or notification of the breach. The disclosure notification shall be:

(a) Made without unreasonable delay;

(b) Consistent with the legitimate needs of law enforcement, as provided in this section; and

(c) Consistent with any measures necessary to determine sufficient contact information and to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system.

(2) Any person that maintains or possesses records or data containing personal information of residents of Missouri that the person does not own or license, or any person that conducts business in Missouri that maintains or possesses records or data containing personal information of a resident of Missouri that the person does not own or license, shall notify the owner or licensee of the information of any breach of security immediately following discovery of the breach, consistent with the legitimate needs of law enforcement as provided in this section.

(3) The notice required by this section may be delayed if a law enforcement agency informs the person that notification may impede a criminal investigation or jeopardize national or homeland security, provided that

such request by law enforcement is made in writing or the person documents such request contemporaneously in writing, including the name of the law enforcement officer making the request and the officer's law enforcement agency engaged in the investigation. The notice required by this section shall be provided without unreasonable delay after the law enforcement agency communicates to the person its determination that notice will no longer impede the investigation or jeopardize national or homeland security.

(4) The notice shall at minimum include a description of the following:

- (a) The incident in general terms;
- (b) The type of personal information that was obtained as a result of the breach of security;
- (c) A telephone number that the affected consumer may call for further information and assistance, if one exists;
- (d) Contact information for consumer reporting agencies;
- (e) Advice that directs the affected consumer to remain vigilant by reviewing account statements and monitoring free credit reports.

(5) Notwithstanding subdivisions (1) and (2) of this subsection, notification is not required if, after an appropriate investigation by the person or after consultation with the relevant federal, state, or local agencies responsible for law enforcement, the person determines that a risk of identity theft or other fraud to any consumer is not reasonably likely to occur as a result of the breach. Such a determination shall be documented in writing and the documentation shall be maintained for five years.

(6) For purposes of this section, notice to affected consumers shall be provided by one of the following methods:

- (a) Written notice;
- (b) Electronic notice for those consumers for whom the person has a valid e-mail address and who have agreed to receive communications electronically, if the notice provided is consistent with the provisions of 15 U.S.C. Section 7001 regarding electronic records and signatures for notices legally required to be in writing;
- (c) Telephonic notice, if such contact is made directly with the affected consumers; or
- (d) Substitute notice, if:
 - a. The person demonstrates that the cost of providing notice would exceed one hundred thousand dollars; or
 - b. The class of affected consumers to be notified exceeds one hundred fifty thousand; or
 - c. If the person does not have sufficient contact information or consent to satisfy paragraphs (a), (b), or (c) of this subdivision, for only those affected consumers without sufficient contact information or consent; or
 - d. If the person is unable to identify particular affected consumers, for only those unidentifiable consumers.

(7) Substitute notice under paragraph (d) of subdivision (6) of this subsection shall consist of all the following:

- a. E-mail notice when the person has an electronic mail address for the affected consumer;
- b. Conspicuous posting of the notice or a link to the notice on the Internet web site of the person if the person maintains an Internet web site; and
- c. Notification to major statewide media.

(8) In the event a person provides notice to more than one thousand consumers at one time pursuant to this section, the person shall notify, without unreasonable delay, the attorney general's office and all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. Section 1681a(p), of the timing, distribution, and content of the notice.

3. (1) A person that maintains its own notice procedures as part of an information security policy for the treatment of personal information, and whose procedures are otherwise consistent with the timing requirements of this section, is deemed to be in compliance with the notice requirements of this section if the person notifies affected consumers in accordance with its policies in the event of a breach of security of the system.

(2) A person that is regulated by state or federal law and that maintains procedures for a breach of the security of the system pursuant to the laws, rules, regulations, guidances, or guidelines established by its primary or functional state or federal regulator is deemed to be in compliance with this section if the person notifies affected consumers in accordance with the maintained procedures when a breach occurs.

(3) A financial institution that is:

(a) Subject to and in compliance with the Federal Interagency Guidance Response Programs for Unauthorized Access to Customer Information and Customer Notice, issued on March 29, 2005, by the board of governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the

Comptroller of the Currency, and the Office of Thrift Supervision, and any revisions, additions, or substitutions relating to said interagency guidance; or

(b) Subject to and in compliance with the National Credit Union Administration regulations in 12 CFR Part 748; or

(c) Subject to and in compliance with the provisions of Title V of the Gramm-Leach-Bliley Financial Modernization Act of 1999, 15 U.S.C Sections 6801 to 6809;

shall be deemed to be in compliance with this section.

4. The attorney general shall have exclusive authority to bring an action to obtain actual damages for a willful and knowing violation of this section and may seek a civil penalty not to exceed one hundred fifty thousand dollars per breach of the security of the system or series of breaches of a similar nature that are discovered in a single investigation."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Pages 22 and 23 of said page, Section 302.311, by striking all of said section from the bill; and

Further amend said bill, Pages 23 and 24, Section 302.750, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 26, Section 303.024, Line 28, by inserting immediately after said line the following:

"304.820. 1. Except as otherwise provided in this section, no person operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.

2. The provisions of subsection 1 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless communications device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

3. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle upon the highways of this state.

4. As used in this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.

5. As used in this section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

6. As used in this section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

7. As used in this section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading,

selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

8. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302, RSMo.

9. The state preempts the field of regulating the use of hand-held electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.

10. The provisions of this section shall not apply to:

- (1) The operator of a vehicle that is lawfully parked or stopped;
- (2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;
- (3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
- (4) The use of voice operated technology;
- (5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 82, Section 578.026, Line 1, by inserting immediately after said line the following:

"578.028. Any person who removes an electronic or radio transmitting collar from a dog without the permission of the owner of the dog with the intent to prevent or hinder the owner from locating the dog, is guilty of a class A misdemeanor. Upon a plea or finding of guilt, the court shall order that the defendant pay as restitution the actual value of any dog lost or killed as a result of such removal. The court may also order restitution to the owner for any lost breeding revenues."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 97 - 98, Section 650.050, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 36, Section 561.021, Line 15, by striking the opening and closing brackets; and

Further amend said page and section, Line 19, inserting after the word "felony," the following:

"and such felony occurs within ten years of the person seeking candidacy or office,"; and

Further amend said page and section, Line 24, by striking the opening bracket; and

Further amend said page and section, Line 27, inserting after the word "suffrage" the following:

"or a dangerous felony as defined under section 556.061, RSMo"; and

Further amend Page 37, Line 1, by striking the closing bracket; and

Further amend said page and section, Line 1, by inserting immediately after said line the following:

"4. A person who has served in the armed forces of the United States of America and who is found guilty of or pleads guilty or nolo contendere to any absence without leave offense, desertion offense, dangerous felony as defined in section 556.061, RSMo, or any other criminal offense, and such offense occurs within ten years of the person seeking candidacy or office, shall be ineligible to qualify as a candidate for or hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, if he or she was required to serve a period of incarceration of not less than one hundred twenty days in a military prison or detention facility for such offense."

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Pages 80 - 82, Section 578.026, by striking all of said section from the bill; and

Further amend said bill, Pages 82 - 83, Section 578.030, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 9

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 62, Page 112, Section 3, Line 19, by inserting immediately after said line the following:

"Section 4. 1. No minor, by use of a telecommunications device, shall knowingly or recklessly create, receive, exchange, send, or possess a photograph, video, or other material that shows a minor in a way that shall be considered explicit sexual material as defined under section 573.010, RSMo.

2. It shall be no defense to a charge under this section that the minor creates, receives, exchanges, sends, or possesses a photograph, video, or other material that shows themselves in a piece of explicit sexual material as defined under section 573.010, RSMo.

3. A violation of this section shall be class B misdemeanor for a first violation. Any second or subsequent violation shall be a class A misdemeanor. A person convicted of or pleading guilty or nolo contendere to this section shall not be required to register on the sexual offender registry under sections 589.400 to 589.425, RSMo.;"
and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 26, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 44**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SB 306, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 464, as amended**, and has taken up and passed **CCS HCS SB 464**.

Emergency clause adopted.

PERFECTION OF HOUSE BILL

HB 84, relating to the general assembly, was taken up by Representative Wood.

HB 84 was placed on the Informal Calendar.

Speaker Richard resumed the Chair.

SIGNING OF HOUSE BILL

All other business of the House was suspended while **HB 682** 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 682** was delivered to the Governor by the Chief Clerk of the House.

Representative Icet resumed the Chair.

BILLS IN CONFERENCE

CCR HCS SB 464, as amended, relating to the regulation of certain businesses, was taken up by Representative Yates.

On motion of Representative Yates, **CCR HCS SB 464, as amended**, was adopted by the following vote:

AYES: 138

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Casey	Colona	Corcoran
Cox	Cunningham	Davis	Day	Deeken
Denison	Dethrow	Dixon	Dougherty	Dugger
Dusenberg	El-Amin	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	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	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Nolte	Norr	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	Viebrock
Vogt	Wallace	Walsh	Wasson	Webber
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 014

Bringer	Burnett	Calloway	Carter	Frame
LeVota	Low	Morris	Oxford	Pace
Roorda	Skaggs	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 011

Chappelle-Nadal	Cooper	Curls	Dieckhaus	Diehl
Fisher 125	Holsman	Hughes	McNary	Nieves
Tracy				

On motion of Representative Yates, **CCS HCS SB 464** was truly agreed to and finally passed by the following vote:

AYES: 142

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Calloway	Casey	Colona
Corcoran	Cox	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Diehl	Dixon
Dougherty	Dugger	Dusenberg	El-Amin	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	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Nolte
Norr	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Salva	Sander	Sater	Scavuzzo	Schaaf

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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	Viebrock	Vogt
Wallace	Walsh	Wasson	Webber	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 014

Bringer	Burnett	Carter	Frame	Hughes
LeVota	Low	Morris	Oxford	Pace
Roorda	Skaggs	Walton Gray	Webb	

PRESENT: 000

ABSENT WITH LEAVE: 007

Chappelle-Nadal	Cooper	Curls	Dieckhaus	Holsman
Nieves	Tracy			

Representative Ictet declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 145

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	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hodges	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kingery
Kirkton	Koenig	Komo	Kratky	Kraus
Lair	Lampe	Largent	Leara	LeBlanc
Liese	Lipke	Loehner	McClanahan	McDonald
McGhee	McNary	McNeil	Meadows	Meiners
Molendorp	Morris	Munzlinger	Nance	Nasheed
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Viebrock	Vogt	Wallace	Walsh

Wasson	Webber	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

NOES: 011

Bringer	Burnett	Frame	Hughes	Kuessner
LeVota	Low	Skaggs	Talboy	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 007

Curls	Dieckhaus	Diehl	Hobbs	Holsman
Nieves	Tracy			

Speaker Pro Tem Pratt resumed the Chair.

CCR#2 SS HCS HB 154, as amended, relating to the placement of grandchildren, was taken up by Representative Ruestman.

On motion of Representative Ruestman, **CCR#2 SS HCS HB 154, as amended**, was adopted by the following vote:

AYES: 140

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	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Emery	Englund	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kingery	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nolte
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Spreng	Stevenson
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

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NOES: 012

Bringer	Burnett	Kelly	Kirkton	Low
McClanahan	Skaggs	Still	Talboy	Vogt
Webber	Witte			

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 010

Curls	Dieckhaus	Diehl	Ervin	Franz
Hoskins 80	Hughes	Nieves	Salva	Tracy

On motion of Representative Ruestman, **CCS#2 SS HCS HB 154** was read the third time and passed by the following vote:

AYES: 141

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

NOES: 014

Bringer	Burnett	Curls	Hughes	Kelly
Kirkton	Low	McClanahan	Skaggs	Still
Talboy	Vogt	Webber	Witte	

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 007

Dieckhaus	Diehl	Hoskins 80	Nasheed	Nieves
Tracy	Mr Speaker			

Speaker Pro Tem Pratt declared the bill passed.

CCR HCS HB 246, as amended, relating to surface mining and gravel excavation, was taken up by Representative Loehner.

On motion of Representative Loehner, **CCR HCS HB 246, as amended**, was adopted by the following vote:

AYES: 152

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

NOES: 002

Skaggs	Zimmerman
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PRESENT: 000

ABSENT WITH LEAVE: 009

Corcoran	Dieckhaus	Hoskins 80	LeVota	Nieves
Salva	Spreng	Tracy	Mr Speaker	

On motion of Representative Loehner, **CCS HCS HB 246** was read the third time and passed by the following vote:

AYES: 150

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

NOES: 001

Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 012

Corcoran	Dieckhaus	Hoskins 80	Hughes	Kuessner
LeVota	Salva	Skaggs	Spreng	Tracy
Walsh	Mr Speaker			

Speaker Pro Tem Pratt declared the bill passed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 577**, entitled:

An act to repeal sections 143.441, 147.010, 148.370, 303.024, 374.456, 374.755, 375.020, 375.1025, 375.1028, 375.1030, 375.1032, 375.1035, 375.1037, 375.1040, 375.1042, 375.1045, 375.1047, 375.1050, 375.1052, 375.1057, 379.1300, 379.1302, 379.1310, 379.1326, 379.1332, 379.1373, 379.1388, 379.1412, 382.400, 382.402, 382.405, 382.407, 382.409, 384.025, 384.031, 384.043, 384.051, 384.057, and 384.062, RSMo, and to enact in lieu thereof forty-eight new sections relating to the regulation of insurance, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7 and Senate Amendment No. 8.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13 of said page, by inserting immediately after said line the following:

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

(2) "Actual charge" or "actual fee" 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, 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, Medicaid, or any other government administered health care program where the insured is covered or reimbursed by this program.

(3) "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, Medicaid, 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, Medicaid, 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 such paragraphs.

2. Notwithstanding any other provision of law, after August 28, 2009, an insurer or 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 the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 78, Section 375.1057, Line 22, by inserting after all of said line the following:

"376.383. 1. For purposes of this section and section 376.384, the following terms shall mean:

(1) "Claimant", any individual, corporation, association, partnership or other legal entity asserting a right to payment arising out of a contract or a contingency or loss covered under a health benefit plan as defined in section 376.1350;

(2) **"Clean claim", a claim that has no defect, impropriety, lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment;**

(3) "Deny" or "denial", when the health carrier refuses to reimburse all or part of the claim;

~~[(3)]~~ (4) "Health carrier", health carrier as defined in section 376.1350[,] **and any self-insured health plan, to the extent allowed by federal law;** except that health carrier shall not include a workers' compensation carrier providing benefits to an employee pursuant to chapter 287, RSMo. **For the purposes of this section and section 376.384, third-party contractors are health carriers;**

~~[(4)]~~ (5) "Health care provider", health care provider as defined in section 376.1350;

~~[(5)]~~ (6) "Health care services", health care services as defined in section 376.1350;

~~[(6)]~~ (7) "Processing days", number of days the health carrier **or any of its agents, subsidiaries, contractors, subcontractors, or third-party contractors** has the claim in its possession. Processing days shall not include days in which the health carrier is waiting for a response to a request for additional information **from the claimant;**

~~[(7)]~~ (8) "Request for additional information", [when the health carrier requests information from the claimant to determine if all or part of the claim will be reimbursed] **a health carrier's electronic requests for additional information from the claimant specifying all of the documentation or information necessary to process all or part of the claim, or all or part of the claims on a multi-claim form ,as clean claim for payment;**

(8) "Suspends the claim", giving notice to the claimant specifying the reason the claim is not yet paid, including but not limited to grounds as listed in the contract between the claimant and the health carrier; and]

(9) "Third-party contractor", a third party contracted with the health carrier to receive or process claims for reimbursement of health care services.

2. Within one working day after receipt of an electronically filed claim by a health carrier or a third-party contractor, a health carrier shall send an electronic acknowledgment of the date of receipt.

3. Within [ten working] fifteen days after receipt of a filed claim by a health carrier or a third-party contractor, a health carrier shall[:

(1) Send an acknowledgment of the date of receipt; or

~~(2)]~~ send **an electronic** notice of the status of the claim that [includes] **notifies the claimant:**

(1) Whether the claim is a clean claim as defined under this section; or

(2) The claim requires additional information from the claimant.

If the claim is a clean claim, then the health carrier shall pay or deny the claim. If the claim requires additional information, the health carrier shall include in the notice a request for additional information. If a health carrier pays the claim, [subdivisions (1) and (2)] this subsection shall not apply.

~~[3.]~~ **4.** Within fifteen days after receipt of additional information by a health carrier or a third-party contractor, a health carrier shall pay the claim or any undisputed part of the claim in accordance with this section or send **[a] an electronic** notice of receipt and status of the claim:

(1) That denies all or part of the claim and specifies each reason for denial; or

(2) That makes a final request for additional information.

~~[4.]~~ **5.** Within fifteen days after the day on which the health carrier or a third-party contractor receives the additional requested information in response to a final request for information, it shall pay the claim or any undisputed part of the claim or deny [or suspend] the claim.

~~[5.]~~ **6.** If the health carrier has not paid the claimant on or before the forty-fifth **processing** day from the date of receipt of the claim, the health carrier shall pay the claimant one percent interest per month **and a penalty in an amount equal to one-fifth of the claim per day.** The interest **and penalty** shall be calculated based upon the unpaid balance of the claim **as of the forty-fifth processing day.** The interest **and penalty** paid pursuant to this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest **and penalty.** A health carrier may combine interest payments and make payment once the aggregate amount reaches [five] **one hundred dollars.** **Any claim which has been properly denied before the forty-fifth processing day under this section and section 376.384 shall not be subject to interest or penalties. Such interest and penalties shall cease to accrue on the day after a petition is filed in a court of competent jurisdiction to recover payment of such claim. Upon a finding by a court of competent jurisdiction that the health carrier failed to pay a claim, interest, or penalty without good cause, the court shall enter judgment for reasonable attorney fees for services necessary for recovery. Upon a finding that a health care provider filed suit without**

reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees necessary to the defense.

[6. If a health carrier fails to pay, deny or suspend the claim within forty processing days, and has received, on or after the fortieth day, notice from the health care provider that such claim has not been paid, denied or suspended, the health carrier shall, in addition to monthly interest due, pay to the claimant per day an amount of fifty percent of the claim but not to exceed twenty dollars for failure to pay all or part of a claim or interest due thereon or deny or suspend as required by this section. Such penalty shall not accrue for more than thirty days unless the claimant provides a second written or electronic notice on or after the thirty days to the health carrier that the claim remains unpaid and that penalties are claimed to be due pursuant to this section. Penalties shall cease if the health carrier pays, denies or suspends the claim. Said penalty shall also cease to accrue on the day after a petition is filed in a court of competent jurisdiction to recover payment of said claim. Upon a finding by a court of competent jurisdiction that the health carrier failed to pay a claim, interest or penalty without reasonable cause, the court shall enter judgment for reasonable attorney fees for services necessary for recovery. Upon a finding that a provider filed suit without reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees necessary to the defense.]

7. The department of insurance, financial institutions and professional registration shall monitor [suspensions] **denials** and determine whether the health carrier acted reasonably.

8. If a health carrier or third-party contractor has reasonable grounds to believe that a fraudulent claim is being made, the health carrier or third-party contractor shall notify the department of insurance, financial institutions and professional registration of the fraudulent claim pursuant to sections 375.991 to 375.994, RSMo.

9. Denial of a claim shall be communicated to the claimant and shall include the specific reason why the claim was denied. **Any claim for which the health carrier has not communicated a specific reason for the denial shall not be considered denied under this section or section 376.384.**

10. Requests for additional information shall specify [what] **all of the documentation and** additional information **that** is necessary to process **all of the claim, or all of the claims on a multi-claim form, as a clean claim** for payment. Information requested shall be reasonable and pertain **solely** to the health carrier's determination of liability. The health carrier shall acknowledge receipt of the requested additional information to the claimant within five working days or pay the claim."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13, by inserting after all of said line the following:

"376.1745. 1. The provisions of this chapter relating to health insurance, health maintenance organizations, health benefit plans, group health services, and health carriers shall not apply to a plan that provides health care services to low income individuals on a prepaid basis and that meets the following conditions:

(1) Eligibility in the plan is limited to persons who earn less than two hundred percent of the federal poverty level and are not covered under any other group insurance arrangement;

(2) The plan is operated on a nonprofit basis under the sponsorship of a nonprofit organization that is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(3) Covered primary care services are provided to enrollees either by providers on staff of the sponsoring organization or by volunteers recruited from a local medical society who have, in both instances, agreed to provide their services for free or for nominal reimbursement for out-of-pocket expenses or expendable supplies directly related to, and incurred as a result of, the service provided to the enrollee;

(4) Payments to outside contractors for marketing, claims administration and similar services total no more than ten percent of the total charges;

(5) The plan has received the approval and endorsement of the local medical society in consultation with the Missouri State Medical Association; and

(6) The sponsoring nonprofit organization files an annual report with the secretary of state within ninety days of the close of the organization's fiscal year that includes, at a minimum, the following information:

(a) The number of plan enrollees;

(b) Total services rendered under the plan;

(c) Plan financial statements;

- (d) Administrative costs and salaries paid by the plan; and
- (e) Other information that may be reasonably requested by the secretary of state.

2. A plan that meets the requirements of this section shall not be considered to be engaging in the business of insurance for purposes of this chapter or any provision of Title XXIV, RSMo, and shall not be subject to the jurisdiction of the director of the department of insurance, financial institutions and professional registration."; and

Further amend said bill, Page 117, Section 384.062, Line 24, by inserting after all of said line the following:

"538.315. 1. Any volunteer physician, dentist, optometrist, pharmacist, registered professional nurse or licensed practical nurse licensed to practice in this state under the provisions of chapter 332, 334, 335, 336, or 338, RSMo, or any volunteer retired physician, dentist, optometrist, pharmacist, registered professional nurse or licensed practical nurse who provides medical treatment to a patient at a nonprofit faith-based community health center that provides health care services for a nominal fee and is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such health care provider under this section in rendering such treatment.

2. For purposes of this section, a "volunteer" is an individual rendering medical treatment who is not compensated for his or her services on a salary or prorated equivalent basis.

3. In order for a retired physician, dentist, optometrist, pharmacist, registered professional nurse or licensed practical nurse to receive the immunity from liability under this section, such health care provider shall have been in good standing with their respective governing professional board at the time of his or her retirement."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 78, Section 375.1057, Line 22 of said page, by inserting after all of said line the following:

"376.391. A health benefit plan or health carrier, as defined in section 376.1350, including but not limited to preferred provider organizations, independent physicians associations, third-party administrators, or any entity that contracts with licensed health care providers shall not impose any co-payment that exceeds fifty percent of the total cost of providing any single health care service to its enrollees."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13 of said page, by inserting immediately after said line the following:

"376.1232. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2010, shall offer coverage for prosthetic devices and services, including original and replacement devices, as prescribed by a physician acting within the scope of his or her practice.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The amount of the benefit for prosthetic devices and services under this section shall be no less than the annual and lifetime benefit maximums applicable to the basic health care services required to be provided under the health benefit plan. If the health benefit plan does not include any annual or lifetime maximums applicable to basic health care services, the amount of the benefit for prosthetic devices and services shall not be subject to an annual or lifetime maximum benefit level. Any copayment, coinsurance, deductible, and maximum out-of-pocket amount applied to the benefit for prosthetic devices and services shall be no more than the most common amounts applied to the basic health care services required to be provided under the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 79, Section 376.502, Line 13, by inserting immediately thereafter the following:

"376.1450. An enrollee, as defined in section 376.1350, may [waive his or her right to] receive documents and materials from a managed care entity in printed **or electronic** form so long as such documents and materials are readily accessible [electronically through the entity's Internet site. An enrollee may revoke such waiver at any time by notifying the managed care entity by phone or in writing or annually. Any enrollee who does not execute such a waiver and prospective enrollees shall have documents and materials from the managed care entity provided] in printed form **upon request**. For purposes of this section, "managed care entity" includes, but is not limited to, a health maintenance organization, preferred provider organization, point of service organization and any other managed health care delivery entity of any type or description."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 8, Section 148.370, Line 3, by inserting immediately thereafter the following:

"208.192. 1. By August 28, 2010, the director of the MO HealthNet division shall implement a program under which the director shall make available through its Internet web site nonaggregated information on individuals collected under the federal Medicaid Statistical Information System described in the Social Security Act, Section 1903(r)(1)(F), insofar as such information has been de-identified in accordance with regulations promulgated under the Health Insurance Portability and Accountability Act of 1996, as amended. In implementing such program, the director shall ensure that:

(1) The information made so available is in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for programs and services under the MO HealthNet program, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under the program;

(2) The information made so available is as current as deemed practical by the director and shall be updated at least once per calendar quarter;

(3) To the extent feasible, all health care providers, as such term is defined in subdivision (20) of section 376.1350, RSMo, included in such information are identifiable by name to individuals who access the information through such program; and

(4) The director periodically solicits comments from a sampling of individuals who access the information through such program on how to best improve the utility of the program.

2. For purposes of implementing the program under this section and ensuring the information made available through such program is periodically updated, the director may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the director determines appropriate.

3. By August 28, 2011, and annually thereafter, the director shall submit to the general assembly and the MO HealthNet oversight committee, a report on the progress of the program under subsection 1 of this section, including the extent to which information made available through the program is accessed and the extent to which comments received under subdivision (4) of subsection 1 of this section were used during the year involved to improve the utility of the program.

4. By August 28, 2011, the director shall submit to the general assembly and the MO HealthNet oversight committee a report on the feasibility, potential costs, and potential benefits of making publicly available

through an Internet-based program de-identified payment and patient encounter information for items and services furnished under Title XXI of the Social Security Act which would not otherwise be included in the information collected under the federal Medicaid Statistical Information System described in Section 1903(r)(1)(F) of such act and made available under Section 1942 of such act, as added by Section 5008.

5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 577, Page 8, Section 148.370, Line 3, by inserting after all of said line the following:

"191.1005. 1. For purposes of this section, the following terms shall mean:

(1) "Estimate of cost", an estimate based on specific patient information or general assumptions about typical utilization and costs for medical services. Upon written request by a patient, a provider shall be required to provide the patient a timely estimate of cost for any elective or nonemergent health care service. Such requirement shall not apply to emergency health care services. Any estimate of cost may include a disclaimer noting the actual amount billed may be different from the estimate of cost;

(2) "Health care provider" or "provider", as defined in section 376.1350, RSMo;

(3) "Insurer", the same meaning as the term "health carrier" is defined in section 376.1350, RSMo, and includes the state of Missouri for purposes of the rendering of health care services by providers under a medical assistance program of the state.

2. Programs of insurers that publicly assess and compare the quality and cost efficiency of health care providers shall conform to the following criteria:

(1) The insurers shall retain, at their own expense, the services of a nationally-recognized independent health care quality standard-setting organization to review the plan's programs for consumers that measure, report, and tier providers based on their performance. Such review shall include a comparison to national standards and a report detailing the measures and methodologies used by the health plan. The scope of the review shall encompass all elements described in this section and section 191.1008;

(2) The program measures shall provide performance information that reflects consumers' health needs. Programs shall clearly describe the extent to which they encompass particular areas of care, including primary care and other areas of specialty care;

(3) Performance reporting for consumers shall include both quality and cost efficiency information. While quality information may be reported in the absence of cost-efficiency, cost-efficiency information shall not be reported without accompanying quality information;

(4) When any individual measures or groups of measures are combined, the individual scores, proportionate weighting, and any other formula used to develop composite scores shall be disclosed. Such disclosure shall be done both when quality measures are combined and when quality and cost efficiency are combined;

(5) Consumers or consumer organizations shall be solicited to provide input on the program, including methods used to determine performance strata;

(6) A clearly defined process for receiving and resolving consumer complaints shall be a component of any program;

(7) Performance information presented to consumers shall include context, discussion of data limitations, and guidance on how to consider other factors in choosing a provider;

(8) Relevant providers and provider organizations shall be solicited to provide input on the program, including the methods used to determine performance strata;

(9) Providers shall be given reasonable prior notice before their individual performance information is publicly released;

(10) A clearly defined process for providers to request review of their own performance results and the opportunity to present information that supports what they believe to be inaccurate results, within a reasonable time frame, shall be a component of any program. Results determined to be inaccurate after the reconsideration process shall be corrected;

(11) Information about the comparative performance of providers shall be accessible and understandable to consumers and providers;

(12) Information about factors that might limit the usefulness of results shall be publicly disclosed;

(13) Measures used to assess provider performance and the methodology used to calculate scores or determine rankings shall be published and made readily available to the public. Some elements shall be assessed against national standards. Examples of measurement elements that shall be assessed against national standards include: risk and severity adjustment, minimum observations, and statistical standards utilized. Examples of other measurement elements that shall be fully disclosed include: data used, how providers' patients are identified, measure specifications and methodologies, known limitations of the data, and how episodes are defined;

(14) The rationale and methodologies supporting the unit of analysis reported shall be clearly articulated, including a group practice model versus the individual provider;

(15) Sponsors of provider measurement and reporting shall work collaboratively to aggregate data whenever feasible to enhance its consistency, accuracy, and use. Sponsors of provider measurement and reporting shall also work collaboratively to align and harmonize measures used to promote consistency and reduce the burden of collection. The nature and scope of such efforts shall be publicly reported;

(16) The program shall be regularly evaluated to assess its effectiveness and any unintended consequences;

(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);

(18) The public, including consumers and employers, shall be able to obtain information to assist them in comparing the cost and quality of health care services and health care providers. Health carriers shall have the ability to use data for such purpose which is collected from medical claims, health care providers, or other sources, including the federal Centers for Medicare and Medicaid Services (CMS) and other entities for such purpose. Health carriers may use claims and contracted rate data to report on cost, quality, and efficiency consistent with the patient charter or other nationally recognized standards, such as those issued by the National Committee for Quality Assurance. No health carrier or any other entity shall use such information in a manner that violates any state or federal law, including antitrust law.

191.1008. 1. Any person who sells or otherwise distributes to the public health care quality and cost efficiency data for disclosure in comparative format to the public shall identify the measure source or evidence-based science behind the measure and the national consensus, multi-stakeholder, or other peer review process, if any, used to confirm the validity of the data and its analysis as an objective indicator of health care quality.

2. Articles or research studies on the topic of health care quality or cost efficiency that are published in peer-reviewed academic journals that do not receive funding from or is affiliated with a health care insurer or by state or local government shall be exempt from the requirements of subsection 1 of this section.

3. (1) Upon receipt of a complaint of an alleged violation of this section by a person or entity other than a health carrier, the department of health and senior services shall investigate the complaint and, upon finding that a violation has occurred, shall be authorized to impose a penalty in an amount not to exceed one thousand dollars. The department shall promulgate rules governing its processes for conducting such investigations and levying fines authorized by law.

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

Further amend the title and enacting clause accordingly.

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 refuses to concur in **HCS SB 262, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 386, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HB 734, as amended, relating to water pollution permit fees, was taken up by Representative Ruzicka.

Representative Ruzicka moved that the House refuse to adopt **SS SCS HB 734, 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.

SS SCS HCS HB 62, as amended, relating to crime, was taken up by Representative Lipke.

Representative Lipke moved that the House refuse to adopt **SS SCS HCS HB 62, 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 SB 386, as amended, relating to political subdivisions, was taken up by Representative Brown (30).

Representative Brown (30) moved that the House refuse to recede from its position on **HCS SB 386, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SCS SB 44, relating to private jails, was taken up by Representative Hoskins (121).

Representative Hoskins (121) moved that the House refuse to recede from its position on **HCS SCS SB 44**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 26, as amended, relating to crime, was taken up by Representative Nolte.

Representative Nolte moved that the House refuse to recede from its position on **HCS SB 26, as amended**, and grant the Senate a conference.

Which motion was adopted.

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

Representative Ervin moved that the House refuse to recede from its position on **HCS SS SCS SB 306, as amended**, and grant the Senate a conference.

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	Chappelle-Nadal	Cox	Cunningham
Davis	Day	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	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
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
Meadows	Meiners	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Salva	Scavuzzo	Schieffer	Schoemehl	Schupp
Shively	Skaggs	Still	Storch	Swinger

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Talboy	Todd	Vogt	Walsh	Walton Gray
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 000

ABSENT WITH LEAVE: 005

Cooper	Deeken	Self	Spreng	Webb
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Representative Ervin again moved that the House refuse to recede from its position on **HCS SS SCS SB 306, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 262, as amended, relating to courts and judicial proceedings, was taken up by Representative Stevenson.

Representative Stevenson moved that the House refuse to recede from its position on **HCS SB 262, as amended**, and grant the Senate a conference.

Which motion was adopted.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 116**.

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 250**, entitled:

An act to amend chapter 8, RSMo, by adding thereto one new section relating to use of public lands.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 250, Page 1, Section Title, Line 3, by striking the following:

"public lands" and inserting in lieu thereof the following: "land"; and

Further amend said bill and page, Section 8.890, Line 11, by inserting after all of said line the following:

"278.070. As used in sections 278.060 to 278.300, the following words and terms mean:

(1) "Board of soil and water district supervisors" or "soil and water supervisors", the local governing body of a soil and water district, elected or appointed in accordance with the provisions of this law;

(2) "Land representative", the owner or representative authorized by power of attorney of any farm lying within any area proposed to be established, and subsequently established, as a soil and water district under the provisions of this law, and for the purposes of [this law] **sections 278.060 to 278.155** each such farm shall be entitled to representation by a land representative; provided, however, that any land representative must be a taxpayer of the county within which the soil and water district is located;

(3) "Landowner", any person, firm or corporation who holds title to any lands lying within a district organized or to be organized under the provisions of this chapter. Any landowner may be represented by notarized proxy not more than one year old;

(4) "Soil and water conservation cost-share program", a state-funded incentive program designed for the purpose of saving the soil **and protecting the water resources** of the state [through erosion control and abatement] **to preserve the productive power of Missouri agricultural land**;

(5) "Soil and water conservation district" or "soil and water district", a county or one or more of its townships wherein a project for saving the soil and water has been established with the authority and duty and subject to the restrictions herein set forth; and in establishing a soil and water district, if the proposed area is less than the area of the county which contains it, but greater than the area of one township, the additional township or townships to be included in such soil and water district need not be contiguous with the first township or with one another, but there shall be only one soil and water district within the boundaries of the same county; and any farm intersected by a soil and water district boundary shall be considered as lying within that district for purposes of soil and water conservation by that district, except that the soil and water conservation of a farm which lies partly within one soil and water district and partly within another shall be considered the duty of the soil and water district in which the home buildings of such farm are located;

(6) "State soil and water districts commission" or "soil and water commission", the agency created by section 278.080 for the administration of the soil and water conservation districts provided for by [this law] **sections 278.060 to 278.155**;

(7) "Subdistrict", "watershed", or "watershed district", as used in sections 278.160 to 278.300, a watershed district, with the exception of section 278.160, whereby subdistrict is specifically used to describe the relationship to an established soil and water conservation district or districts that may be established as a watershed district;

(8) "Township", municipal township and not congressional or survey township.

Section B. Because of the need to preserve the productive power of Missouri agricultural land, the repeal and reenactment of section 278.070 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 the repeal and reenactment of section 278.070 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SB 216, as amended**, and has taken up and passed **SCS SB 216**.

HOUSE BILL WITH SENATE AMENDMENTS

SS SCS HCS HB 577, as amended, relating to captive insurance companies, was taken up by Representative Yates.

Representative Yates moved that the House refuse to adopt **SS SCS HCS HB 577, 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.

Speaker Richard resumed 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 386: Representatives Brown (30), Yates, Diehl, Skaggs, Hummel

Speaker Pro Tem Pratt resumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees on **HCS SCS SB 44** are allowed to exceed the differences by removing subsection 7 of section 221.097 from the bill.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS#2 SB 114, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 152** and has taken up and passed **HCS SCS SB 152**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **House Amendment Nos. 1, 2, and 3 to SCS SB 153** and has taken up and passed **SCS SB 153, 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 SB 386, as amended**: Senators Lager, Griesheimer, Pearce, Callahan and Days.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 435**, and has taken up and passed **CCS HCS SB 435**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SB 539, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

SENATE CONCURRENT RESOLUTION

SCR 8, relating to horse processing plants, was taken up by Representative Wright.

On motion of Representative Wright, **SCR 8** was adopted by the following vote:

AYES: 126

Allen	Atkins	Aull	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 149	Bruns
Burlison	Burnett	Calloway	Carter	Chappelle-Nadal
Colona	Cooper	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Harris
Hobbs	Hodges	Holsman	Hoskins 121	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kelly
Kingery	Koenig	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
Meadows	Meiners	Munzlinger	Nance	Nasheed
Nieves	Nolte	Norr	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Shively	Silvey	Smith 14
Smith 150	Spreng	Stevenson	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Wasson	Wells	Weter	Wilson 119	Wilson 130
Witte	Wood	Wright	Yates	Zerr
Mr Speaker				

NOES: 028

Biermann	Brown 73	Casey	Corcoran	Englund
Frame	Grill	Hoskins 80	Hummel	Kander
Kirkton	Komo	Kratky	Liese	Morris
Oxford	Pace	Salva	Schupp	Skaggs
Still	Vogt	Walton Gray	Webb	Webber
Wildberger	Yaeger	Zimmerman		

PRESENT: 001

McNeil

ABSENT WITH LEAVE: 008

El-Amin	Guest	Hughes	Kraus	Low
Molendorp	Schoemehl	Self		

THIRD READING OF SENATE BILL

HCS SB 485, relating to elections, was taken up by Representative Diehl.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 485, Section 60.010, Page 3, Line 24, by inserting the following after all of said line:

"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 78.090, Page 3, Line 22, 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.

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 137.073, Page 24, Line 376, 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(c), 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 bill by amending the title, enacting clause, and intersectional references accordingly.

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

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 485, Page 4, Section 105.966, Line 14, by inserting after said line the following:

"115.247. 1. Each election authority shall provide all ballots for every election within its jurisdiction. Ballots other than those printed by the election authority in accordance with sections 115.001 to 115.641 and section 51.460, RSMo, shall not be cast or counted at any election.

2. Whenever it appears that an error has occurred in any publication required by sections 115.001 to 115.641 and section 51.460, RSMo, or in the printing of any ballot, any circuit court may, upon the application of any voter, order the appropriate election authorities to correct the error or to show cause why the error should not be corrected.

3. For each election held in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants **or in any county other than a county with a charter form of government and with more than one million inhabitants**, the election authority may provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. For each election, except a general election, held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants **or in any county other than a county with a charter form of government and with more than one million inhabitants**, the election authority shall provide for each polling place in its jurisdiction a number of ballots

equal to at least one and one-third times the number of ballots cast in the voting district served by such polling place at the election held two years before at that polling place or at the polling place that served the voting district in the previous election. For each general election held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants **or in any county other than a county with a charter form of government and with more than one million inhabitants**, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to one and one-third times the number of ballots cast in the voting district served by such polling place or at the polling place that served the voting district in the general election held four years prior. When determining the number of ballots to provide for each polling place, the election authority shall consider any factors that would affect the turnout at such polling place. The election authority shall keep a record of the exact number of ballots delivered to each polling place. For purposes of this subsection, the election authority shall not be required to count registered voters designated as inactive pursuant to section 115.193.

4. After the polls have closed on every election day, the election judges shall return all unused ballots to the election authority with the other election supplies.

5. All ballots cast in public elections shall be printed and distributed at public expense, payable as provided in sections 115.061 to 115.077.”; 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. 2.**

House Amendment No. 1
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Bill No. 485, Page 4, Section 105.966, Line 14, by inserting after all of said line the following:

"115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any [nonpartisan] election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision [may] **shall** determine by random drawing the order in which such candidates' names shall appear on the ballot. [If] **When** a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing[. If such drawing is conducted], **and** the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. [If such drawing is conducted,] The names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.”; and

Further amend said bill, Page 5, Section 115.350, Line 11, by inserting after all of said line the following:

"115.395. 1. At each primary election, there shall be as many separate ballots as there are parties entitled to participate in the election.

2. The names of the candidates for each office on each party ballot shall be listed in the order in which they are filed[, except that,]. In the case of candidates who file a declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such

candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn. For the purposes of this subsection, the election authority responsible for oversight of the filing of candidates, other than candidates that file with the secretary of state, shall clearly designate where candidates shall form a line to effectuate such filings [and determine the order of such filings; except that,]. In the case of candidates who file a declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for filing, the election authority [may] **shall** determine by random drawing the order in which such candidates' names shall appear on the ballot[. If a drawing is conducted pursuant to this subsection, it] **and the drawing** shall be conducted so that each candidate may draw a number at random at the time of filing. [If such drawing is conducted,] The election authority shall record the number drawn with the candidate's declaration of candidacy[. If such drawing is conducted], **and** the names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn.

3. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245 shall apply to each ballot prepared for a primary election, except that the ballot information may be placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary."; and

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

On motion of Representative Dougherty, **House Amendment No. 1 to House Amendment No. 2** was adopted.

Representative Icet resumed the Chair.

On motion of Representative Leara, **House Amendment No. 2, as amended**, was adopted.

Representative Jones (89) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 485, Section 1, Page 24, Line 7, by inserting after all of said section and line the following:

"Section 2. All public advertisements and orders of publication required by law to be made, including but not limited to the notices required by section 115.345, RSMo, amendments to the constitution of Missouri, 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. 3** was adopted.

Representative Brown (73) offered **House Amendment No. 4**.

House Amendment No. 4

House Committee Substitute for Senate Bill No. 485, Section 137.073, Page 23, Line 376, by inserting immediately after all of said section and line the following:

"483.015. 1. At the general election in the year 1982, and every four years thereafter, except as herein provided and except as otherwise provided by law, circuit clerks shall be elected by the qualified voters of each county [and of the city of St. Louis], who shall be commissioned by the governor, and shall enter upon the discharge of their duties on the first day in January next ensuing their election, and shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified, unless sooner removed from office.

2. The court administrator for Jackson County provided by the charter of Jackson County shall be selected as provided in the county charter and shall exercise all of the powers and duties of the circuit clerk of Jackson County. The director of judicial administration and the circuit clerk of St. Louis County shall be selected as provided in the charter of St. Louis County. **The court administrator for the twenty-second judicial circuit as provided by local court rule shall have and exercise all of the powers and duties of the circuit clerk of the city of St. Louis. Insofar as this subsection pertains to the circuit clerk of the city of St. Louis, this subsection shall become effective on January 1, 2011. The circuit clerk of the city of St. Louis in office on the effective date of this subsection shall continue to hold such position until the expiration date of his or her current term.**

3. When provision is made in a county charter for the appointment of a court administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk, such provisions shall prevail over the provisions of this chapter providing for a circuit clerk to be elected. The persons appointed to fill any such appointive positions shall be paid by the counties as provided by the county charter or ordinance; provided, however, that if provision is now or hereafter made by law for the salaries of circuit clerks to be paid by the state, the state shall pay over to the county a sum which is equivalent to the salary that would be payable by law by the state to an elected circuit clerk in such county if such charter provision was not in effect. The sum shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

4. The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in those circuits shall be removable for cause by a majority of the circuit judges and associate circuit judges of such circuit, en banc, in accordance with supreme court administrative rules governing court personnel. This subsection shall become effective on January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall continue to hold such office for the remainder of their elected terms as if they had been appointed pursuant to the terms of this subsection."; and

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

On motion of Representative Brown (73), **House Amendment No. 4** was adopted.

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 485, Section 60.010, Page 3, Line 24, by inserting after all of said line the following:

"67.1080. 1. Provisions of law to the contrary notwithstanding, where a county has properly levied a tax, which by state law terminates within a specified period of time, the imposition of such tax may, by a majority vote of the governing body of such county, be extended; except that no ordinance or order extending such tax shall be effective unless the governing body of the county submits to the voters of such county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to extend such tax.

2. The ballot of submission shall contain, but need not be limited to the following language:

"Shall the county of (insert county's name) extend the countywide (insert type of tax) tax currently imposed for the purpose of (insert purpose of tax) at the rate of (insert rate) percent (it shall be optional to include the duration of the extension)?"

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order 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 governing body of the county shall have no power to extend the tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to extend the tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon."; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 485, Page 3, Section 60.010, Line 24, by inserting immediately after said line the following:

"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

Further amend the title and enacting clause accordingly.

On motion of Representative Dieckhaus, **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. 485, Page 24, Section 137.073, Line 376, 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. 7** was adopted.

Representative Smith (150) offered **House Amendment No. 8**.

AMEND House Committee Substitute for Senate Bill No. 485, Page 1, Section A, Line 9, by inserting after all of said section the following:

“26.016. In the case of any vacancy for any cause in the office of lieutenant governor, the governor shall fill such vacancy by special election as provided in section 105.030, RSMo, for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the lieutenant governor under section 17, article IV, Constitution of Missouri. The governor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, RSMo, the lieutenant governor shall be suspended until the impeachment is determined. If the lieutenant governor is acquitted, the lieutenant governor shall be reinstated to office. If the lieutenant governor is convicted, the vacancy shall be filled in the same manner as provided in this section.

27.015. In the case of any vacancy for any cause in the office of attorney general, the governor shall immediately appoint an acting attorney general to fill such vacancy until the vacancy is filled by special election as provided in section 105.030, RSMo, for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the attorney general under section 17, article IV, Constitution of Missouri. The acting attorney general shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, RSMo, the attorney general shall be suspended until the impeachment is determined. If the attorney general is acquitted, the attorney general shall be reinstated to office. If the attorney general is convicted, the vacancy shall be filled in the same manner as provided in this section.

28.190. In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of secretary of state, the governor shall [immediately appoint a qualified person to] fill such vacancy **by special election as provided in section 105.030, RSMo**, for the remainder of the term in which such vacancy occurred [and] until [his] a successor is elected [or appointed, commissioned] and qualified[; and] **at the next election scheduled for the secretary of state under section 17, article IV, Constitution of Missouri.** The governor shall take charge of the office and superintend its business until such person is [appointed, commissioned] **elected** and qualified[; except that]. In case of impeachment **as provided in chapter 106, RSMo**, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office[, or]. If the suspended officer is convicted, [a new appointment shall be made] **the vacancy shall be filled** by the governor as [in the case of other vacancies] **provided in this section.**

29.280. When a vacancy occurs in the office of state auditor, the governor shall immediately appoint an **acting** auditor to fill such vacancy **until the vacancy is filled by special election as provided in section 105.030, RSMo**, for the residue of the term in which the vacancy occurred[, and] until [his] a successor is elected [or appointed, commissioned] and qualified **at the next election scheduled for the state auditor under section 17, article IV, Constitution of Missouri.** The acting auditor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, RSMo, the auditor shall be suspended until the impeachment is determined. If the auditor is acquitted, the auditor shall be reinstated to office. If the auditor is convicted, the vacancy shall be filled in the same manner as provided in this section.

30.060. In case of death, resignation, removal from office, impeachment, or vacancy from any cause[,] in the office of the state treasurer, the governor shall **fill such vacancy by special election as provided in section 105.030, RSMo, for the remainder of the term in which such vacancy occurred until a successor is elected and qualified at the next election scheduled for the state treasurer under section 17, article IV, Constitution of Missouri.** The governor shall take charge of such office and superintend the business thereof until a successor is [appointed, commissioned] **elected** and qualified [except]. In case of impeachment **as provided in chapter 106, RSMo**, when no [appointment] **election** shall be made until a determination of the matter is had, when, in the event of an acquittal, the suspended officer shall be reinstated in office. **If the treasurer is convicted, the vacancy shall be filled in the same manner as provided in this section.**

30.080. Immediately after the [appointment] **election** and qualification of a state treasurer, made to fill any vacancy occurring in said office, or the resumption of [his] duties by said officer, after the removal of any disability or temporary suspension therefrom the general assembly if in session, or, if such assembly be not in session, then the governor, shall cause a settlement to be made of the accounts of the former state treasurer, or any such office ad interim, remaining unsettled, and ascertain what balance, if any, is due the state or such officer, as the case may be.”; and

Further amend said bill, Page 3, Section 78.090, Line 22, by inserting after all of said section the following:

“105.030. **1.** Whenever any vacancy, caused in any manner or by any means whatsoever, occurs or exists in any state or county office originally filled by election of the people, other than in the offices of lieutenant governor, **attorney general, secretary of state, state auditor, state treasurer,** state senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by appointment by the governor except that when a vacancy occurs in the office of county assessor after a general election at which a person other than the incumbent has been elected, the person so elected shall be appointed to fill the remainder of the unexpired term; and the person appointed after duly qualifying and entering upon the discharge of [his] **the** duties under the appointment shall continue in office until the first Monday in January next following the first ensuing general election, at which general election a person shall be elected to fill the unexpired portion of the term, or for the ensuing regular term, as the case may be, and the person so elected shall enter upon the discharge of the duties of the office the first Monday in January next following his election, except that when the term to be filled begins on any day other than the first Monday in January, the appointee of the governor shall be entitled to hold the office until such other date. This section shall not apply to vacancies in county offices in any county which has adopted a charter for its own government under section 18, article VI of the constitution. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled by appointment by the mayor of that city.

2. Any vacancy occurring in the offices of lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer, except for vacancies occurring under section 106.060, RSMo, shall be filled by a special election called by the governor for that purpose. Upon receiving the notice of vacancies occurring under this subsection, the governor shall issue a writ of election to fill the vacancy. The secretary of state shall conduct the special election as provided in chapter 115, RSMo.

105.040. Whenever a vacancy in the office of senator of the United States from this state exists, the governor[, unless otherwise provided by law,] shall [appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected and qualified according to law] **fill the office by a special election called by the governor for that purpose. Upon receiving the notice of a vacancy occurring in the office, the governor shall issue a writ of election to fill the vacancy. The secretary of state shall conduct the special election as provided in chapter 115, RSMo.**

105.050. If any vacancy shall happen from any cause in the office of the [attorney general,] circuit attorney, prosecuting attorney or assistant prosecuting attorney, the governor, upon being satisfied that such vacancy exists, shall appoint some competent person to fill the same until the next regular election for [attorney general,] prosecuting attorney or assistant prosecuting attorney, as the case may be; provided, in the case of a vacancy in the office of prosecuting attorney, if there is no qualified person in the county who can or will accept such appointment, then the governor may appoint any person who possesses all the qualifications set forth in section 56.010, RSMo, except the qualification as to residence.”; and

Further amend said bill, Page 24, Section 1, Line 7, by inserting after all of said section the following:

"Section 2. Notwithstanding any other provision of law, the governor shall call a special election to fill a vacancy in the office of senator of the United States, lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer. In no case shall the special election be held later than six months from the occurrence of a vacancy, but the governor may give preference to holding the special election during a regularly scheduled election of any kind provided that such regularly scheduled election is held no later than six months from the occurrence of a vacancy.

[30.070. When a vacancy occurs in the office of state treasurer, the governor shall immediately appoint a state treasurer to fill such vacancy for the residue of the term in which the

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vacancy occurred, and until his successor is elected or appointed, commissioned and qualified.]”; and

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

Representative Jones (89) assumed the Chair.

Representative Tilley assumed the Chair.

Representative Pratt moved the previous question.

Which motion was adopted by the following vote:

AYES: 085

Bivins	Brandom	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
Nieves	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schoeller
Self	Silvey	Smith 14	Smith 150	Stevenson
Stream	Sutherland	Tilley	Tracy	Viebrock
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	Meadows	Morris	Nasheed	Norr
Oxford	Pace	Quinn	Roorda	Rucker
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Skaggs	Still	Storch	Swinger	Talboy
Todd	Vogt	Walsh	Walton Gray	Webber
Wildberger	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 009

Allen	Brown 30	Meiners	Nolte	Salva
Spreng	Thomson	Wallace	Webb	

Representative Jones (89) resumed the Chair.

On motion of Representative Smith (150), **House Amendment No. 8** was adopted.

Representative Tilley moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

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	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: 072

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	Meadows	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

Allen	Nolte	Wallace	Webb
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On motion of Representative Diehl, **HCS SB 485, as amended**, was adopted.

On motion of Representative Diehl, **HCS SB 485, as amended**, was read the third time and passed by the following vote:

AYES: 090

Allen	Biermann	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	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: 071

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

PRESENT: 000

ABSENT WITH LEAVE: 002

Hughes Wallace

Representative Jones (89) declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 010

Casey	Davis	Dethrow	Flook	Franz
Gatschenberger	Pratt	Schlottach	Stevenson	Sutherland

NOES: 149

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

PRESENT: 000

ABSENT WITH LEAVE: 004

Brown 30	Cooper	Hughes	Wallace
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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:

HCS SB 26: Representatives Nolte, Lipke, Jones (117), Roorda and Morris

HCS SCS SB 44: Representatives Hoskins (121), Guernsey, Jones (117), Quinn and Todd

Representative Jones (89) 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 **HCS HB 361**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HB 577, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HB 734, 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 **HCS SB 262, as amended**: Senators Bartle, Schaefer, Goodman, Callahan and Justus.

THIRD READING OF SENATE BILL

SB 126, relating to life insurance, was taken up by Representative Yates.

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

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

Representative Jones (89) requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Yates, **SB 126** was truly agreed to and finally passed by the following vote:

AYES: 148

Allen	Aull	Biermann	Bivins	Brandom
Brown 50	Brown 73	Brown 149	Bruns	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Cooper	Corcoran	Cox	Cunningham	Curls
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Emery	Englund	Ervin	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet

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

NOES: 012

Atkins	Bringer	Burnett	Davis	Frame
Low	Norr	Oxford	Skaggs	Still
Talboy	Walton Gray			

PRESENT: 000

ABSENT WITH LEAVE: 003

Brown 30	Hughes	Vogt
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Representative Jones (89) declared the bill passed.

THIRD READING OF SENATE CONCURRENT RESOLUTION

SCR 2, relating to “Science Day”, was taken up by Representative Tracy.

On motion of Representative Tracy, **SCR 2** was truly agreed to and finally passed by the following vote:

AYES: 141

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Calloway	Carter	Casey
Chappelle-Nadal	Corcoran	Cox	Cunningham	Curls
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	El-Amin	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Holsman	Hoskins 80	Hoskins 121
Hummel	Icet	Jones 63	Jones 89	Jones 117

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Keeney	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Lair	Lampe	Largent
Leara	LeBlanc	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McNary	McNeil
Meadows	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Rucker	Ruestman	Ruzicka
Sander	Sater	Scavuzzo	Schaaf	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Smith 14	Smith 150
Stevenson	Storch	Stream	Sutherland	Swinger
Thomson	Tilley	Todd	Tracy	Viebrock
Wallace	Walsh	Wasson	Webb	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Mr Speaker				

NOES: 013

Bringer	Burnett	Colona	Kander	Kuessner
LeVota	Roorda	Skaggs	Still	Talboy
Walton Gray	Webber	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper	Hughes	Kelly	McGhee	Meiners
Salva	Schad	Spreng	Vogt	

Representative Jones (89) declared the bill passed.

HOUSE BILL WITH SENATE AMENDMENTS

SS HCS HB 381, relating to Department of Revenue fee offices, was taken up by Representative Silvey.

On motion of Representative Silvey, **SS HCS HB 381**, was adopted by the following vote:

AYES: 148

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney

Kelly	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
LeBlanc	LeVota	Liese	Loehner	McClanahan
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Molendorp	Morris	Munzlinger	Nance
Nasheed	Nieves	Nolte	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Silvey
Skaggs	Smith 14	Smith 150	Still	Storch
Stream	Sutherland	Swinger	Talboy	Thomson
Tilley	Todd	Tracy	Wallace	Walsh
Walton Gray	Wasson	Webber	Weter	Wilson 119
Wilson 130	Witte	Wood	Wright	Yaeger
Yates	Zimmerman	Mr Speaker		

NOES: 009

Kingery	Leara	Lipke	Spreng	Stevenson
Webb	Wells	Wildberger	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 006

Cooper	Hughes	Low	Schad	Viebrock
Vogt				

On motion of Representative Silvey, **SS HCS HB 381** was truly agreed to and finally passed by the following vote:

AYES: 147

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Corcoran
Cox	Cunningham	Curls	Day	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	El-Amin	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Holsman	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelly	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Largent	LeBlanc	LeVota
Liese	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Scharnhorst

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Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Self	Shively	Silvey	Skaggs	Smith 14
Smith 150	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Walsh	Walton Gray	Wasson
Webber	Weter	Wildberger	Wilson 119	Wilson 130
Witte	Wood	Wright	Yaeger	Yates
Zimmerman	Mr Speaker			

NOES: 009

Davis	Kingery	Leara	Lipke	Spreng
Stevenson	Webb	Wells	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 007

Cooper	Grill	Hughes	Low	Schad
Vogt	Wallace			

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:

SS SCS HCS HB 577: Representatives Yates, Nance, Wilson (130), Talboy and Schupp

SS SCS HB 734: Representatives Ruzicka, Emery, Bivins, Fischer (107) and Witte

HCS SB 262: Representatives Stevenson, Cox, Diehl, Burnett and Brown (73)

Representative Jones (89) resumed the Chair.

HOUSE BILLS WITH SENATE AMENDMENTS

HCS HCR 16, with Senate Amendment No. 1, relating to terror suspects in Missouri, was taken up by Representative Tracy.

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	Chappelle-Nadal	Cox	Cunningham
Davis	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	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: 065

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Colona	Curls	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	Meadows	Morris
Nasheed	Norr	Oxford	Pace	Quinn
Roorda	Rucker	Scavuzzo	Schieffer	Schoemehl
Schupp	Skaggs	Still	Storch	Swinger
Talboy	Todd	Walsh	Walton Gray	Webb
Webber	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 001

Shively

ABSENT WITH LEAVE: 010

Cooper	Corcoran	Day	Hughes	Meiners
Salva	Schad	Spreng	Vogt	Wallace

On motion of Representative Tracy, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 116

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Corcoran	Cox	Cunningham	Davis	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hoskins 121	Ice	Jones 89	Jones 117
Keeney	Kingery	Kirkton	Koenig	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	Lipke	Loehner	cClanahan
McGhee	McNary	Meadows	Molendorp	Munzlinger
Nance	Nieves	Nolte	Norr	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle

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Rucker	Ruestman	Ruzicka	Sander	Sater
Scavuzzo	Schaaf	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Smith 14	Smith 150	Storch	Stream
Sutherland	Swinger	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Wasson
Wells	Weter	Wilson 119	Wilson 130	Witte
Wood	Wright	Yates	Zerr	Zimmerman
Mr Speaker				

NOES: 038

Atkins	Brown 50	Brown 73	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Dougherty
El-Amin	Hodges	Holsman	Hoskins 80	Hummel
Jones 63	Kander	Kelly	LeBlanc	LeVota
Liese	Low	McDonald	McNeil	Meiners
Morris	Nasheed	Oxford	Pace	Roorda
Skaggs	Still	Talboy	Walton Gray	Webb
Webber	Wildberger	Yaeger		

PRESENT: 000

ABSENT WITH LEAVE: 009

Cooper	Curls	Day	Hughes	Salva
Schad	Spreng	Stevenson	Vogt	

On motion of Representative Tracy, **HCS HCR 16, as amended**, was adopted by the following vote:

AYES: 118

Allen	Aull	Biermann	Bivins	Brandom
Bringer	Brown 30	Brown 149	Bruns	Burlison
Corcoran	Cox	Cunningham	Davis	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dugger	Dusenberg	Emery	Englund	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hoskins 121	Hummel	Icet	Jones 89
Jones 117	Keeney	Kingery	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	Lipke	Loehner
McClanahan	McGhee	McNary	Meadows	Molendorp
Munzlinger	Nance	Nieves	Nolte	Norr
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Rucker	Ruestman	Ruzicka	Sander
Sater	Scavuzzo	Schaaf	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Wasson	Wells	Weter	Wilson 119

Wilson 130	Witte	Wood	Wright	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 036

Atkins	Brown 50	Brown 73	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Curls
Dougherty	El-Amin	Hodges	Holsman	Hoskins 80
Jones 63	Kander	LeBlanc	LeVota	Liese
Low	McDonald	Meiners	Morris	Nasheed
Oxford	Pace	Roorda	Skaggs	Still
Talboy	Walton Gray	Webb	Webber	Wildberger
Yaeger				

PRESENT: 001

McNeil

ABSENT WITH LEAVE: 008

Cooper	Day	Hughes	Kelly	Salva
Schad	Spreng	Vogt		

SCS HCS HB 580, as amended, relating to the Line of Duty Compensation Act, was taken up by Representative Bruns.

On motion of Representative Bruns, **SCS HCS HB 580, as amended**, was adopted by the following vote:

AYES: 155

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hummel	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Meiners	Molendorp	Morris
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Roorda
Rucker	Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad	Scharnhorst
Schieffer	Schlottach	Schoeller	Schoemehl	Schupp
Shively	Silvey	Skaggs	Smith 14	Smith 150

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Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Wallace	Walsh	Walton Gray	Wasson
Webb	Webber	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Day	Hoskins 121	Hughes	Low	Self
Spreng	Viebrock	Vogt		

On motion of Representative Bruns, **SCS HCS HB 580, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 159

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Day	Hughes	Low	Vogt
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Representative Jones (89) declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 158

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Day	Hughes	Low	Parson	Vogt
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SS HCS HB 152, relating to a DNA profiling system, was taken up by Representative Ruestman.

On motion of Representative Ruestman, **SS HCS HB 152** was adopted by the following vote:

AYES: 159

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

NOES: 002

Hughes Spreng

PRESENT: 000

ABSENT WITH LEAVE: 002

Day Vogt

On motion of Representative Ruestman, **SS HCS HB 152** was truly agreed to and finally passed by the following vote:

AYES: 156

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

NOES: 001

Hughes

PRESENT: 000

ABSENT WITH LEAVE: 006

Day	Parson	Talboy	Vogt	Wallace
Wright				

Representative Jones (89) declared the bill passed.

HB 652, with Senate Amendment No. 1, relating to certified mail, was taken up by Representative Pratt.

On motion of Representative Pratt, the House concurred in **Senate Amendment No. 1** by the following vote:

AYES: 157

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

NOES: 001

Frame

PRESENT: 000

ABSENT WITH LEAVE: 005

Curls	Day	Hughes	Nieves	Vogt
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On motion of Representative Pratt, **HB 652, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 148

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

NOES: 010

Casey	Colona	Fallert	Frame	Hummel
Kratky	Meadows	Schoemehl	Skaggs	Spreng

PRESENT: 000

ABSENT WITH LEAVE: 005

Curles	Day	Hughes	Nieves	Vogt
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Representative Jones (89) declared the bill passed.

SCS HB 83, relating to travel clubs, was taken up by Representative Wood.

On motion of Representative Wood, **SCS HB 83** was adopted by the following vote:

AYES: 157

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	El-Amin	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Ice	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Rucker	Ruestman	Ruzicka	Salva
Sander	Sater	Scavuzzo	Schaaf	Schad
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	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 002

Burnett	Skaggs
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PRESENT: 000

ABSENT WITH LEAVE: 004

Day	Hughes	Scharnhorst	Vogt
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On motion of Representative Wood, **SCS HB 83** was truly agreed to and finally passed by the following vote:

AYES: 157

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

Cox	Cunningham	Curls	Davis	Deeken
Denison	Dethrow	Dieckhaus	Diehl	Dixon
Dougherty	Dugger	Dusenberg	El-Amin	Emery
Englund	Ervin	Faith	Fallert	Fischer 107
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey
Guest	Harris	Hobbs	Hodges	Holsman
Hoskins 80	Hoskins 121	Hummel	Iceet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	LeVota	Liese	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Meadows	Meiners	Molendorp
Morris	Munzlinger	Nance	Nasheed	Nieves
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	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	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright	Yaeger	Yates	Zerr
Zimmerman	Mr Speaker			

NOES: 002

Burnett Skaggs

PRESENT: 000

ABSENT WITH LEAVE: 004

Day Hughes Talboy Vogt

SCS HB 283, relating to nonprofit sewer companies, was taken up by Representative Wood.

On motion of Representative Wood, **SCS HB 283** was adopted by the following vote:

AYES: 155

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Iceet

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

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Day	Hughes	Leara	Meiners	Parson
Schad	Vogt	Zimmerman		

On motion of Representative Wood, **SCS HB 283** was truly agreed to and finally passed by the following vote:

AYES: 156

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Burlison	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dixon	Dougherty	Dugger	Dusenberg	El-Amin
Emery	Englund	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guernsey	Guest	Harris	Hobbs	Hodges
Holsman	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McDonald	McGhee	McNary
McNeil	Meadows	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Pollock	Pratt
Quinn	Riddle	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach

Schoeller	Schoemehl	Schupp	Self	Shively
Silvey	Skaggs	Smith 14	Smith 150	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Wallace	Walsh	Walton Gray
Wasson	Webb	Webber	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright	Yaeger	Yates	Zerr	Zimmerman
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Day	Hughes	Kelly	Leara	Meiners
Parson	Vogt			

Representative Jones (89) declared the bill passed.

MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE

May 13, 2009

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
95th GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you **House Bill No. 15** entitled:

"AN ACT"

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

On May 13, 2009 I approved said **House Bill No. 15**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon
Governor

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 745**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 745, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 1 to Senate Amendment No. 3, and Senate Amendment No. 3 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 745, as amended;
2. That the House recede from its position on House Bill No. 745;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 745, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Tom Loehner
/s/ Billy Pat Wright
/s/ Rodney Schad
/s/ Terry Witte
/s/ Belinda Harris

FOR THE SENATE:

/s/ Dan Clemens
/s/ Chuck Purgason
/s/ Robert Mayer
/s/ Victor Callahan
/s/ Rita Heard Days

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 216**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 216, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 216, as amended;
2. That the Senate Committee Substitute for Senate Bill No. 216, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott
/s/ Jane Cunningham
/s/ Jason Crowell
/s/ Jolie Justus
/s/ Frank A. Barnitz

FOR THE HOUSE:

/s/ Mike Cunningham
/s/ Donald Wells
/s/ Scott Largent
/s/ Jason Grill
/s/ Albert Liese

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 435**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 435, 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. 435;
2. The Senate recede from its position on Senate Bill No. 435;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 435, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ James Lembke
/s/ Jason Crowell
/s/ Bill Stouffer
/s/ Wes Shoemyer
/s/ Ryan McKenna

FOR THE HOUSE:

/s/ Dan Brown
/s/ Marilyn Ruestman
/s/ Mike McGhee
/s/ Paul Quinn
/s/ Tom Todd

RECESS

On motion of Representative Tilley, the House recessed until such time as a supplemental calendar for **HCS#2 SS SB 291** has been distributed or 11:00 p.m., whichever is sooner, then stand adjourned until 10:00 a.m., Thursday, May 14, 2009.

COMMITTEE REPORTS

Committee on Rules, Chairman Parson reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 13**, 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 **SS SB 291**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 84 - Fiscal Review (Fiscal Note)
HCS SCS SB 88 - Fiscal Review (Fiscal Note)
SCS SB 104 - Fiscal Review (Fiscal Note)
HCS SS SCS SB 167 - Fiscal Review (Fiscal Note)
SB 272 - Fiscal Review (Fiscal Note)
HCS#2 SS SB 291 - Fiscal Review (Fiscal Note)
HCS SCS SB 293 - Fiscal Review (Fiscal Note)
SS#2 SCS SB 363 - Fiscal Review (Fiscal Note)
HCS SCS SB 538 - Fiscal Review (Fiscal Note)

SUPPLEMENTAL CALENDAR

May 13, 2009

SENATE BILL FOR THIRD READING

HCS#2 SS SB 291, E.C., (Fiscal Review 5-13-09) - Wallace

ADJOURNMENT

Pursuant to the motion by Representative Tilley, the House adjourned until 10:00 a.m., Thursday, May 14, 2009.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative Chuck Gatschenberger, District 13, hereby state and affirm that my vote as recorded on Page 1800 of the Journal of the House for Thursday, May 7, 2009 that House Substitute Amendment No. 1 to House Amendment No. 9, as amended, to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 306, as amended,

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 12th day of May 2009.

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

/s/ Patricia W. Parris
Notary Public

FISCAL REVIEW

FISCAL REVIEW

FISCAL REVIEW

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

HOUSE CALENDAR

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 HCS HB 591 - Sutherland
- 25 HCS HB 819 - Cooper
- 26 HB 1058 - Smith (150)
- 27 HCS HB 945 - Wells
- 28 HB 1009 - Parkinson
- 29 HCS HB 536 - Dixon
- 30 HCS HB 767 - Grill
- 31 HCS#2 HB 357 & 298 - Scharnhorst
- 32 HCS HB 689 - Bringer

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 84 - Wood

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

SENATE BILLS FOR THIRD READING

- 1 SB 368 - Jones (117)
- 2 HCS SCS SB 188 - Jones (89)
- 3 HCS SB 480 - Quinn
- 4 HCS SB 55, E.C. - Wallace
- 5 HCS SS SB 58 - Dixon
- 6 SCS SB 37 - Jones (89)
- 7 HCS SS SCS SB 89 - Bruns
- 8 HCS SCS SB 93 - Deeken
- 9 HCS SS SCS SB 128, E.C. - Denison
- 10 HCS SS SB 172, E.C. - Walsh
- 11 HCS SS SCS SB 376 - Bivins
- 12 HCS SCS#2 SB 9, (Fiscal Review 5-12-09), E.C. - Wilson (130)
- 13 HCS SCS SB 253, (Fiscal Review 5-12-09), E.C. - Diehl
- 14 SCS SBs 335 & 16 - Yates
- 15 HCS SCS SB 176 - Chappelle-Nadal
- 16 HCS SCS SB 100 - Hobbs
- 17 SCS SB 104, (Fiscal Review 5-13-09) - Ruestman
- 18 HCS SCS SB 134 - Faith
- 19 SB 272, (Fiscal Review 5-13-09) - Ruzicka
- 20 HCS SCS SB 293, (Fiscal Review 5-13-09), E.C. - Dixon
- 21 SB 294 - Smith (150)
- 22 SS#2 SCS SB 363, (Fiscal Review 5-13-09) - Jones (89)
- 23 HCS SCS SB 495, E.C. - Fisher (125)
- 24 HCS SCS SB 538, (Fiscal Review 5-13-09), E.C. - Wasson
- 25 HCS SCS SB 88, (Fiscal Review 5-13-09), E.C. - Dixon
- 26 HCS SB 84, (Fiscal Review 5-13-09), E.C. - Dixon
- 27 HCS SS SCS SB 167, (Fiscal Review 5-13-09) - Scharnhorst
- 28 HCS#2 SS SB 291, (Fiscal Review 5-13-09), E.C. - Wallace

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SS HB 259, as amended - Tilley
- 2 SCS HCS HB 250, as amended, E.C. - Wilson (119)

BILLS CARRYING REQUEST MESSAGES

- 1 SS SCS HCS HB 62, as amended (request Senate recede/grant conference), E.C. - Lipke
- 2 HCS SS SCS SB 539, as amended (request House recede/grant conference), E.C. - Ruzicka
- 3 HCS#2 SB 114, as amended (request House recede/grant conference) - Tracy

BILLS IN CONFERENCE

- 1 HCS SB 171, as amended - Schlottach
- 2 SS SCS HB 376, as amended, E.C. - Hobbs
- 3 CCR HCS SB 435 - Brown (149)
- 4 HCS SCS SBs 36 & 112 - Wasson
- 5 CCR SCS HB 745, as amended - Loehner
- 6 CCR HCS SCS SB 216, as amended - Cunningham
- 7 HCS SB 386, as amended - Brown (30)
- 8 HCS SCS SB 44, (exceed differences) - Hoskins (121)
- 9 HCS SB 26, as amended - Nolte
- 10 HCS SS SCS SB 306, as amended, E.C. - Ervin
- 11 HCS SB 262, as amended - Stevenson
- 12 SS SCS HCS HB 577, as amended - Yates
- 13 SS SCS HB 734, as amended, E.C. - Ruzicka

SENATE CONCURRENT RESOLUTIONS

- 1 SCR 5, (3-05-09, Pages 491-493) - Sander
- 2 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, Pages 1878-1879) - Harris