

# JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

SIXTY-FOURTH DAY, MONDAY, APRIL 30, 2012

The House met pursuant to adjournment.

Speaker Pro Tem Schoeller in the Chair.

Prayer by Pastor Paul Meinsen.

Through the prophet, Isaiah, the LORD stated, "*For I am God, and there is no other; I am God, and there is no one like Me, declaring the end from the beginning, and from ancient times things which have not been done, saying, My purpose will be established, and I will accomplish all My good pleasure...Truly I have spoken; truly I will bring it to pass. I have planned it, surely I will do it.*" (Isaiah 46:9-10, 11b)

Father, I give thanks this afternoon for Your mercies, abounding lovingkindness and grace. Your Word teaches us to do justice, love mercy, and to walk humbly with You. Please give each one of us the wisdom to know what is just and how to show mercy. Please give each one of us a heart that is desirous to do what is just and to show mercy.

I also pray, O Lord, for these You have ordained to lead the state of Missouri. May they govern in a way which glorifies You. May they seek that which is righteous and may they defend it with honor. In their discourses may they speak with respect for all.

I pray too, O Lord, for my fellow citizens of this great state. I pray that we will learn what it means to respect and honor those You have appointed to lead. Too many times, we have prayed for these leaders out of one side of our mouth and then spoken words of scorn, hatred and dishonor from the other. Instead, Lord, even if we disagree on issues, may we always show the honor due to these servants of Yours.

I pray that we will render unto Caesar that which is due; may we render unto You that which belongs to You.

May we fear You and You alone. Draw each one unto Yourself.

We call upon You in this prayer. Please answer and be glorified. For You are good, and Your love endures forever.

To the honor of Your name, O Lord, I pray in Your Son's name. 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: Ella Margerette Schneider.

The Journal of the sixty-third day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2645 through House Resolution No. 2710

**SECOND READING OF SENATE BILLS**

**SCS SB 625, SS SCS SB 803, SS SB 854 and SB 893** were read the second time.

**THIRD READING OF HOUSE BILL**

**HCS#2 HB 1475**, relating to tanning devices, was taken up by Representative Cross.

On motion of Representative Cross, **HCS#2 HB 1475** was read the third time and passed by the following vote:

AYES: 091

Allen	Anders	Atkins	Barnes	Brandom
Brown 116	Colona	Conway 27	Cross	Denison
Diehl	Ellinger	Ellington	Elmer	Fisher
Fraker	Frederick	Gatschenberger	Gosen	Grisamore
Hampton	Higdon	Hinson	Hodges	Holsman
Hough	Houghton	Hubbard	Hummel	Jones 63
Jones 89	Jones 117	Kander	Kelly 24	Kirkton
Korman	Kratky	Lampe	Lant	Lasater
Lauer	Long	May	McCaherty	McCann Beatty
McCreery	McDonald	McGeoghegan	McGhee	McManus
McNeil	Molendorp	Montecillo	Morgan	Nance
Newman	Nichols	Oxford	Pace	Phillips
Pierson	Quinn	Redmon	Reiboldt	Richardson
Riddle	Rizzo	Rowland	Schatz	Schieffer
Schneider	Schupp	Shively	Shumake	Silvey
Smith 71	Still	Stream	Swearingen	Swinger
Talboy	Torpey	Wallingford	Walton Gray	Webber
Weter	White	Wieland	Wright	Zerr
Mr Speaker				

NOES: 056

Asbury	Bahr	Black	Brattin	Brown 85
Burlison	Carlson	Casey	Cauthorn	Cierpiot
Conway 14	Cookson	Cox	Crawford	Curtman
Davis	Day	Dieckhaus	Fallert	Fitzwater
Flanigan	Franklin	Fuhr	Guernsey	Haefner
Harris	Hoskins	Johnson	Keeney	Kelley 126
Klippenstein	Koenig	Lair	Largent	Leach
Lichtenegger	Loehner	Marshall	Meadows	Neth
Parkinson	Pollock	Ruzicka	Schad	Scharnhorst
Schieber	Schoeller	Smith 150	Solon	Sommer
Spreng	Taylor	Thomson	Webb	Wells
Wyatt				

PRESENT: 000

ABSENT WITH LEAVE: 016

Aull	Bernskoetter	Berry	Brown 50	Carter
Dugger	Entlicher	Franz	Funderburk	Hughes
Leara	McNary	Nasheed	Nolte	Sater
Sifton				

Speaker Pro Tem Schoeller declared the bill passed.

Speaker Tilley assumed the Chair.

### HOUSE BILL WITH SENATE AMENDMENTS

**SS HCS HB 2001**, relating to appropriations, was taken up by Representative Silvey.

On motion of Representative Silvey, **SS HCS HB 2001** was adopted by the following vote:

AYES: 150

Allen	Anders	Asbury	Atkins	Bahr
Barnes	Berry	Black	Brandom	Brattin
Brown 85	Brown 116	Burlison	Carlson	Casey
Cauthorn	Cierpiot	Colona	Conway 14	Conway 27
Cookson	Cox	Crawford	Cross	Curtman
Davis	Day	Denison	Dieckhaus	Diehl
Dugger	Ellinger	Ellington	Elmer	Entlicher
Fallert	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Harris	Higdon	Hinson	Hodges	Holsman
Hoskins	Hough	Houghton	Hubbard	Hummel
Johnson	Jones 63	Jones 89	Jones 117	Kander
Keeney	Kelley 126	Kelly 24	Kirkton	Klippenstein
Koenig	Korman	Kratky	Lair	Lampe
Lant	Largent	Lasater	Lauer	Leach
Lichtenegger	Loehner	Long	Marshall	May
McCaherty	McCann Beatty	McCreery	McDonald	McGeoghegan
McGhee	McManus	McNeil	Meadows	Molendorp
Montecillo	Morgan	Nance	Neth	Newman
Nichols	Oxford	Pace	Parkinson	Phillips
Pierson	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Ruzicka
Schad	Scharnhorst	Schatz	Schieber	Schieffer
Schneider	Schoeller	Schupp	Shively	Shumake
Silvey	Smith 150	Solon	Sommer	Spreng
Still	Stream	Swearingen	Swinger	Talboy
Taylor	Thomson	Torpey	Wallingford	Walton Gray
Webb	Webber	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 000

PRESENT: 000

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ABSENT WITH LEAVE: 013

Aull	Bernskoetter	Brown 50	Carter	Funderburk
Hughes	Leara	McNary	Nasheed	Nolte
Sater	Sifton	Smith 71		

On motion of Representative Silvey, **SS HCS HB 2001** was truly agreed to and finally passed by the following vote:

AYES: 146

Allen	Anders	Asbury	Atkins	Bahr
Barnes	Berry	Black	Brandom	Brattin
Brown 85	Burlison	Casey	Cauthorn	Cierpiot
Colona	Conway 14	Conway 27	Cookson	Crawford
Cross	Curtman	Davis	Denison	Dieckhaus
Diehl	Dugger	Ellinger	Ellington	Elmer
Entlicher	Fallert	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Harris	Higdon	Hinson	Hodges
Holsman	Hoskins	Hough	Houghton	Hubbard
Hummel	Johnson	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelley 126	Kelly 24	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair
Lampe	Lant	Largent	Lasater	Lauer
Leach	Lichtenegger	Loehner	Marshall	May
McCaherty	McCann Beatty	McCreery	McDonald	McGeoghegan
McGhee	McManus	McNeil	Meadows	Molendorp
Montecillo	Morgan	Nance	Neth	Newman
Nichols	Oxford	Pace	Parkinson	Phillips
Pierson	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Ruzicka
Schad	Scharnhorst	Schatz	Schieber	Schieffer
Schneider	Schoeller	Schupp	Shively	Shumake
Silvey	Smith 71	Smith 150	Solon	Sommer
Spreng	Still	Stream	Swearingen	Swinger
Talboy	Taylor	Thomson	Torpey	Wallingford
Walton Gray	Webb	Webber	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Aull	Bernskoetter	Brown 50	Brown 116	Carlson
Carter	Cox	Day	Funderburk	Hughes
Leara	Long	McNary	Nasheed	Nolte
Sater	Sifton			

Speaker Tilley declared the bill passed.

**MESSAGE FROM THE SENATE**

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 568, as amended**: Senators Parson, Stouffer, Richard, McKenna and Wright-Jones.

**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 568**: Representatives Franz, Silvey, Brown (116), Webber and Meadows

**HOUSE BILLS WITH SENATE AMENDMENTS**

**SS SCS HCS HB 2002**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2002** 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 2003**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2003** 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 2004**, relating to appropriations, was taken up by Representative Silvey.

Representative Smith (150) assumed the Chair.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2004** 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 2005**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2005** 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 2006, as amended**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2006, 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 2007**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2007** 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 2008**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2008** 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 2009**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2009** 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 2010**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2010** 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 2011, as amended**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2011, 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 2012**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2012** 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 2013**, relating to appropriations, was taken up by Representative Silvey.

Representative Silvey moved that the House refuse to adopt **SS SCS HCS HB 2013** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

### PERFECTION OF HOUSE BILL

**HCS HB 1198**, relating to prevailing wages, was taken up by Representative Fisher.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1198, Pages 2-3, Section 290.220, Lines 1-8, by deleting all of said section from the bill; and

Further amend said bill, Page 3, Section B, Lines 1-5, by deleting all of said section from the bill; and

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

Representative Fraker offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

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

AMEND House Committee Substitute for House Bill No. 1198, Page 2, Section 290.210, Line 23, by inserting an opening bracket “[” after the word “performed” on said line; and

Further amend said bill, section, and page, Line 41, by deleting all of said line and inserting in lieu thereof the following:

“costs is not less than the rate of pay plus the other amounts as provided herein]. **The prevailing hourly rate of wages for all counties except for any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth**

classification with more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a county shall be deemed:

(a) The median hourly wage estimate for the construction and extraction occupational code most closely resembling the occupational title as published in the latest United States Bureau of Labor Statistics by Metropolitan and Non-Metropolitan Area Occupational Employment Wage Estimate; or

(b) If no such rate can be determined under paragraph (a) of this subdivision, the median hourly wage estimate for occupational code 47-0000 in the construction and extraction occupational code, published in the latest United States Bureau of Labor Statistics publication shall be the prevailing wage for such occupational title;” and

Further amend said bill, Section 290.220, Pages 2-3, Lines 1-8, by deleting all of said section from the bill; and

Further amend said section, Page 3, Line 8, by inserting after all of said section and line the following:

“290.262. 1. (1)(a) Except as otherwise provided in section 290.260, for any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a county, the department shall annually investigate and determine the prevailing hourly rate of wages in each locality for each separate occupational title.

(b) A final determination applicable to every locality to be contained in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section.

(c) In determining prevailing rates, for any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a county, the department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, the applicable wage rates paid by members of a trade organization designated with a 501(c)(6) tax exempt status by the United States Internal Revenue Service, and the rates that are paid generally within [the locality] any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form of government and with

more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, any county of the third classification without a township form of government and with more than twenty-nine thousand but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a county, and shall, by March tenth of each year, make an initial determination for each occupational title within the locality[.];

**(d) For the purposes of this chapter, the wage rates paid by members of a trade organization may be submitted by such trade organization and shall be considered in the aggregate. Any subsequent challenge to the wage rate as determined by the department based upon such data shall not require any member of such trade organization to appear or participate in any administrative action related thereto;**

**(2) (a) Except as otherwise provided in section 290.260, the prevailing hourly rate of wages for all other counties shall be deemed:**

**a. The median hourly wage estimate for the construction and extraction occupational code most closely resembling the occupational title as published in the latest United States Bureau of Labor Statistics by Metropolitan and Non-Metropolitan Area Occupational Employment Wage Estimate; or**

**b. If no such rate can be determined under subparagraph a. of this paragraph (a) of subdivision (2), the median hourly wage estimate for occupational code 47-0000 in the construction and extraction occupational code, published in the latest United States Bureau of Labor Statistics publication shall be the prevailing wage for such occupational title;**

**(b) A final determination applicable to every locality to be contained in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section;**

**(c) In determining prevailing rates, the department shall consider the applicable wage rates that are paid generally within the locality, and shall, by March tenth of each year, make an initial determination for each occupational title within the locality;**

2. A certified copy of the initial determinations so made shall be filed immediately with the secretary of state and with the department in Jefferson City. Copies shall be supplied by the department to all persons requesting them within ten days after the filing.

3. At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing to a determination or a part thereof that he deems objectionable by filing a written notice with the department, stating the specific grounds of the objection. If no objection is filed, the determination is final after thirty days.

4. After the receipt of the objection, the department shall set a date for a hearing on the objection. The date for the hearing shall be within sixty days of the receipt of the objection. Written notice of the time and place of the hearing shall be given to the objectors at least ten days prior to the date set for the hearing.

5. The department at its discretion may hear each written objection separately or consolidate for hearing any two or more written objections. At the hearing the department shall first introduce in evidence the investigation it instituted and the other facts which were considered at the time of the original determination which formed the basis for its determination. The department, or the objector, or any interested party, thereafter may introduce any evidence that is material to the issues.

6. Within twenty days of the conclusion of the hearing, the department shall rule on the written objection and make the final determination that it believes the evidence warrants. Immediately, the department shall file a certified copy of its final determination with the secretary of state and with the department and shall serve a copy of the final determination on all parties to the proceedings by personal service or by registered mail.

7. This final decision of the department of the prevailing wages in the locality for each occupational title is subject to review in accordance with the provisions of chapter 536. Any person affected, whether or not the person participated in the proceedings resulting in the final determination, may have the decision of the department reviewed. The filing of the final determination with the secretary of state shall be considered a service of the final determination on persons not participating in the administrative proceedings resulting in the final determination.

8. At any time before trial any person affected by the final determination of the department may intervene in the proceedings to review under chapter 536 and be made a party to the proceedings.

9. Any annual wage order made for a particular occupational title in a locality may be altered once each year, as provided in this subsection. The prevailing wage for each such occupational title may be adjusted on the anniversary date of any collective bargaining agreement which covers all persons in that particular occupational title in the locality in accordance with any annual incremental wage increases set in the collective bargaining agreement. If the prevailing wage for an occupational title is adjusted pursuant to this subsection, the employee's representative or employer in regard to such collective bargaining agreement shall notify the department of this adjustment, including the effective date of the adjustment. The adjusted prevailing wage shall be in effect until the next final annual wage order is issued pursuant to this section. The wage rates for any particular job, contracted and commenced within sixty days of the contract date, which were set as a result of the annual or revised wage order, shall remain in effect for the duration of that particular job.

10. In addition to all other reporting requirements of sections 290.210 to 290.340, each public body which is awarding a contract for a public works project shall, prior to beginning of any work on such public works project, notify the department, on a form prescribed by the department, of the scope of the work to be done, the various types of craftsmen who will be needed on the project, and the date work will commence on the project.”; and

Further amend said bill, Section B, Page 3, Lines 1-5, by deleting all of said section from the bill; and

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

**Representative Hummel offered House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1.**

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

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute for House Bill No. 1198, Page 5, Line 32, by inserting after all of said line the following:

‘Further amend said bill, Page 1, Section 290.210, Line 1, by inserting after the section number “**290.210.**” the number “**1.**”; and

Further amend said bill and section, Page 2, Line 51, by inserting after all of said line the following:

**“2. Nothing in this section shall be interpreted to define maintenance to be in anyway broader in scope than the definition of ‘maintenance’ or more narrow than the definition of ‘construction’ than those used for interpreting the federal Davis-Bacon Act in 40 U.S. C. § *et seq.*”; and’; and**

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

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Crawford	Cross	Curtman	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk

Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	Molendorp	Nance	Neth
Parkinson	Phillips	Pollock	Redmon	Reiboldt
Richardson	Riddle	Rowland	Ruzicka	Sater
Schad	Scharnhorst	Schatz	Schieber	Shumake
Silvey	Smith 150	Solon	Sommer	Stream
Thomson	Torpey	Wallingford	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

NOES: 053

Anders	Atkins	Black	Brown 50	Carlson
Casey	Colona	Conway 27	Ellinger	Ellington
Fallert	Harris	Hodges	Holsman	Hubbard
Hummel	Jones 63	Kander	Kelly 24	Kirkton
Kratky	Lampe	May	McCann Beatty	McCreery
McDonald	McGeoghegan	McManus	McNeil	Meadows
Montecillo	Morgan	Nasheed	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo
Schieffer	Schupp	Shively	Smith 71	Spreng
Still	Swearingen	Swinger	Talboy	Taylor
Walton Gray	Webb	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 009

Aull	Carter	Cox	Hughes	McNary
Nolte	Schneider	Schoeller	Sifton	

Representative Hummel moved that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner

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Hampton	Higdon	Hinson	Hoskins	Hough
Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	Molendorp	Nance	Neth	Parkinson
Phillips	Pollock	Redmon	Reiboldt	Richardson
Riddle	Rowland	Ruzicka	Sater	Schad
Scharnhorst	Schatz	Schieber	Shumake	Silvey
Smith 150	Solon	Sommer	Stream	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 053

Anders	Atkins	Black	Brown 50	Carlson
Casey	Colona	Conway 27	Ellinger	Ellington
Fallert	Harris	Hodges	Holsman	Hubbard
Hummel	Jones 63	Kander	Kelly 24	Kirkton
Kratky	Lampe	May	McCann Beatty	McCreery
McDonald	McGeoghegan	McManus	McNeil	Meadows
Montecillo	Morgan	Nasheed	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo
Schieffer	Schupp	Shively	Smith 71	Spreng
Still	Swearingen	Swinger	Talboy	Taylor
Walton Gray	Webb	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 010

Aull	Carter	Day	Hughes	McGhee
McNary	Nolte	Schneider	Schoeller	Sifton

On motion of Representative Fraker, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

**HCS HB 1198, as amended**, was laid over.

**THIRD READING OF SENATE BILL**

**HCS SCS SB 569**, relating to elections, was taken up by Representative Dugger.

Representative Keeney assumed the Chair.

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

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569, Page 3, Section 78.090, Line 23, by inserting after all of said line the following:

"79.070. No person shall be an alderman unless he or she is at least [twenty-one] **eighteen** years of age, a citizen of the United States, and an inhabitant and resident of the city for one year next preceding his or her election, and

a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569, Page 3, Section 78.090, Line 23, by inserting after said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the

Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement **or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities**, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of **subsection 1** of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

- (h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;
  - (i) The street address of the development site;
  - (j) The three-digit North American Industry Classification System number or numbers characterizing the development project;
  - (k) The estimated development project costs;
  - (l) The anticipated sources of funds to pay such development project costs;
  - (m) Evidence of the commitments to finance such development project costs;
  - (n) The anticipated type and term of the sources of funds to pay such development project costs;
  - (o) The anticipated type and terms of the obligations to be issued;
  - (p) The most recent equalized assessed valuation of the property within the development project area;
  - (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
  - (r) The general land uses to apply in the development area;
  - (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
  - (t) The total number of full-time equivalent positions in the development area;
  - (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
  - (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;
  - (w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
  - (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
  - (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
  - (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
  - (aa) A list of other community and economic benefits to result from the project;
  - (bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
  - (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;
  - (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
  - (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
  - (ff) A list of competing businesses in the county containing the development area and in each contiguous county;
  - (gg) A market study for the development area;
  - (hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues."; and

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

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

Representative Smith (150) offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“26.016. In the case of any vacancy for any cause in the office of lieutenant governor, the governor shall appoint an acting lieutenant governor to fill such vacancy 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 105.031. In cases of impeachment as provided in chapter 106, 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 and the acting lieutenant governor shall be relieved of the duties of the 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 appoint an acting attorney general to fill such vacancy 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 105.031. 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, 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 and the acting attorney general shall be relieved of the duties of the 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] **an acting secretary of state** to fill such vacancy for the remainder of the term in which such vacancy occurred [and] until [his] a successor is elected [or appointed, commissioned] and qualified; and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned and qualified; except that in case of impeachment 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 by the governor as in the case of other vacancies] **at the next election scheduled for the secretary of state under section 105.031. In cases of impeachment as provided in chapter 106, the secretary of state shall be suspended until the impeachment is determined. If the secretary of state is acquitted, the secretary of state shall be reinstated to office and the acting secretary of state shall be relieved of the duties of the office. If the secretary of state is convicted, the vacancy shall be filled in the same manner as 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 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 105.031. 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, the auditor shall be suspended until the impeachment is determined. If the auditor is acquitted, the auditor shall be reinstated to office and the acting auditor shall be relieved of the duties of the 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 **appoint an acting state treasurer to fill such vacancy 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 105.031. The acting state treasurer 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, [when no appointment 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] the state treasurer shall be suspended until the impeachment is determined. If the state treasurer is acquitted, the state treasurer shall be reinstated to office and the acting state treasurer shall be relieved of the duties of the 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 **or 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 23, by inserting after all of said line 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 **only** 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 shall be filled by the appointment of an acting lieutenant governor, acting attorney general, acting secretary of state, acting state auditor, or acting state treasurer by the governor, or by a special election called for such purpose under section 105.031. No person appointed by the governor under this subsection shall be eligible to be a candidate for such office to which such person was appointed under this subsection at the election to fill such office immediately following such person's appointment, but may be a candidate for such office after one intervening election has been held.**

**105.031. In the case of a vacancy for cause in the offices of senator of the United States from this state, lieutenant governor, attorney general, secretary of state, state auditor, or state treasurer, such vacancy shall be filled by a special election called by the governor at the same time as the general election when there is a general election scheduled before the expiration of the term of such offices as required by section 17, article IV, Constitution of Missouri, or Amendment XVII of the Constitution of the United States. If there is no general election scheduled prior to the expiration of the term of such offices, then the acting official appointed by the governor shall serve out the remainder of the full term in office. The candidate elected and qualified at a special election held on the general election day shall take office on January first immediately following such election, and shall relieve any acting official filling such vacancy of the duties of the office.**

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] **an acting senator of the United States to fill the vacancy for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election under section 105.031.**

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 8, Section 115.761, Line 31, by inserting after all of said line the following:

“[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 vacancy occurred, and until his successor is elected or appointed, commissioned and qualified.]”;

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

On motion of Representative Smith (150), **House Amendment No. 3** was adopted.

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569, Section 54.330, Page 2, Line 16, by inserting the following after all of said line:

**“67.5000. A parks, trails, and greenways district may be created, incorporated, and managed pursuant to sections 67.5000 to 67.5038 and once created may exercise the powers given to that district pursuant to section 67.5006. A district shall include a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants. Any recreation system or public parks system that exists within a district established pursuant to sections 67.5000 to 67.5038 shall remain in existence with the same powers and responsibilities it had prior to the establishment of such district. Nothing in sections 67.5000 to 67.5038 shall be construed in any manner to limit or prohibit:**

- (1) Later establishment or cessation of any park or recreation system provided by law; or**
- (2) Any powers and responsibilities of any park or recreation system provided by state law.**

**67.5002. When a district authorized by section 67.5000 is created, it shall be a body corporate and a political subdivision of this state and the district shall be known as ". . . . . Parks, Trails, and Greenways District". In that name, the district may sue and be sued, issue bonds and levy and collect taxes or fees pursuant to the limitations of sections 67.5000 to 67.5038.**

**67.5004. Each district established pursuant to sections 67.5000 to 67.5033 shall be responsible for the planning, development, operation, and maintenance of a public system of interconnecting trails, open spaces, greenways, and parks throughout the county comprising such district, except as otherwise specifically provided for by statute. The powers and responsibilities of the district shall be supplemental to, but shall not be a substitute for, the powers and responsibilities of other parks and recreation systems located within the district or for the powers of other conservation and environmental regulatory agencies. Nothing in this section shall be interpreted to give any district the authority to regulate water quality, watershed, or land use issues in the county comprising the district.**

**67.5006. A parks, trails, and greenways district shall have the power to:**

- (1) Prepare or cause to be prepared and adopt a plan or plans for interconnecting systems of public trails, open spaces, greenways, and parks throughout the county comprising the district;**
- (2) Develop, supervise, improve, maintain, and take custody of an interconnecting system of public parks, trails, open spaces, greenways, and recreational facilities owned, operated, managed, or maintained by that district;**
- (3) Issue bonds, notes, or other obligations in furtherance of any power or duty of a district and to refund those bonds, notes, or obligations, as provided in sections 67.5032 to 67.5036;**
- (4) Contract with public and private entities, including other parks and recreation agencies, or individuals both within and without the state and shall have the power to contract with the United States or any agency thereof in furtherance of any power or duty of the district;**
- (5) Lease, purchase, own, hold, control, contract, and sell any and all rights in land, buildings, improvements, and any and all other real, personal, or property that is a combination of both; provided that, real property within a county may only be purchased by a district if a majority of the board members consent to that purchase;**
- (6) Receive property, both real and personal, or money that has been granted, donated, devised, or bequeathed to the district;**
- (7) Establish a separate district account into which all local sales taxes received from the director of the department of revenue and other funds received by that district shall be deposited;**
- (8) Establish and collect reasonable charges for the use of the facilities of the district;**
- (9) Maintain an office and staff at any place or places in this state as the district may designate and conduct its business and operations as is necessary to fulfill that district's duties, pursuant to sections 67.5000 to 67.5038; and**
- (10) Appoint, when the district board determines it is appropriate, advisory committees to assist the district board in the exercise of the power and duties vested in the district.**

67.5008. A question, in substantially the following form, may be submitted to the voters in each county authorized to establish a district:

"Shall there be organized in the County of . . . . , state of Missouri, a parks, trails, and greenways district for the purposes of planning, developing, supervising, improving, maintaining, and taking custody of an interconnecting system of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of that district to be known as ". . . . . Parks, Trails, and Greenways District", and further shall a local sales tax of one tenth of one cent be levied and collected in ..... County for the support of this parks, trails, and greenways district, with forty-five percent of that revenue going to the district and fifty-five percent being returned to . . . . County and the cities within the County for local park improvements?

YES  NO"

67.5010. If a majority of the votes cast by the qualified voters voting on the question submitted pursuant to section 67.5008 voted YES, then that district shall be deemed created. However, if a majority of the qualified voters cast NO votes, that district shall not be deemed created unless and until another question of whether to authorize the creation of a district and impose the one-tenth of one cent local sales tax is submitted to the qualified voters of that county and that question is approved by a majority of the qualified voters voting thereon.

67.5012. The governing body of any county located within a district established pursuant to sections 67.5000 to 67.5038 is authorized to impose by order, ordinance, or otherwise a one-tenth of one cent local sales tax on all retail sales subject to taxation pursuant to sections 144.010 to 144.525 for the purpose of funding activities that are consistent with the powers and duties of a district, as set forth in section 67.5006. The tax authorized by this section shall be in addition to all other sales taxes allowed by law. The provisions of sections 32.085 and 32.087 shall apply to each local sales tax approved pursuant to sections 67.5000 to 67.5038.

67.5014. The local sales tax authorized in section 67.5012 shall be collected and allocated in the district as follows:

(1) Forty-five percent of the local sales taxes collected as described in section 67.5012 shall be deposited by the department of revenue in the parks, trails, and greenways district fund to be administered by the board of directors of that district to pay costs associated with the planning, development, supervision, improvement, maintenance, and custody of an interconnecting system of public parks, trails, open space, greenways, and recreational facilities within the boundaries of that district. Up to five percent of the amount deposited in that parks, trails, and greenways fund shall be used for grants to local public agencies to be used for activities that are consistent with the district's powers and duties as set forth in section 67.5006. Costs for office and project administration may be up to, but shall not exceed, fifteen percent of the amount deposited in a district fund pursuant to this subdivision;

(2) Fifteen percent of the local sales taxes collected as described in section 67.5012 shall be distributed by the department of revenue to the county to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of a district; and

(3) Forty percent of the local sales taxes collected as described in section 67.5012 shall be distributed by the department of revenue to each of the cities in that county, in proportion to each city's relative local sales tax contribution, to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the boundaries of a district.

67.5016. 1. Any county levying a local sales tax under the authority of sections 67.5000 to 67.5038 shall not administer or collect the tax locally, but shall utilize the services of the state department of revenue to administer, enforce, and collect the tax. The sales tax shall be administered, enforced, and collected in the same manner and by the same procedure as other local sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

2. Upon receipt of a certified copy of a resolution from the county authorizing the levy of a local sales tax, which resolution shall state the name of the district in which that county is included, the director of the department of revenue shall cause this tax to be collected at the same time and in the same manner provided for the collection of the state sales tax. All moneys derived from this local sales tax imposed under the authority of sections 67.5000 to 67.5038 and collected under the provisions of this section by the director of revenue shall be credited to a fund established for the district, which is hereby established in the state treasury, under the name

of that district, as established. Any refund due on any local sales tax collected pursuant to section 67.5000 to 67.5038 shall be paid out of the sales tax refund fund and reimbursed by the director of revenue from the sales tax revenue collected under this section. All local sales tax revenue derived from the authority granted by sections 67.5000 to 67.5038 and collected from within any county, under this section, shall be remitted at least quarterly by the director of revenue to the district established by sections 67.5000 to 67.5038, the source county included in the district and the cities in that county, in the percentages set forth in section 67.5014.

**67.5018. 1.** The treasurer of the board of each district created shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of each district created by sections 67.5000 to 67.5038 shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be approved by the board of each district created. Upon board approval, the report shall be available for inspection.

**2.** The accounts of the district shall be open at any reasonable time for inspection by duly authorized representatives of the county and cities included within the jurisdictional boundaries of that district.

**3.** Annually, no later than one hundred twenty days after the close of each district's fiscal year, the board of each district created by sections 67.5000 to 67.5038 shall cause to be prepared a report on the operations and transactions conducted by that district during the preceding year. The report shall be an open record and shall be submitted to the governing bodies of each city and county within the jurisdictional boundaries of that district commencing the year following the year in which the district is created. The board of each district shall take those actions as are reasonably required to make this report readily available to the public.

**67.5020.** Notwithstanding the provisions of section 99.845 to the contrary, the revenues from the local sales taxes imposed under the authority set forth in section 67.5012 shall not be allocated to and paid by the state department of revenue to any special allocation fund established by any municipality under sections 99.800 to 99.865.

**67.5022. 1.** When a district is created pursuant to sections 67.5000 to 67.5038, the district shall be governed by a board of directors. The presiding commissioner or elected county executive of the county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall appoint one member of the district's board of directors chosen from the residents of that county. The mayor of the largest city in that county shall appoint two persons from the residents of that city in that county, and the mayors of the next five most populous cities in the county shall, on a rotating basis and in accordance with subsection 2 of this section, appoint four persons from the residents of those respective cities in that county to serve on the board.

**2.** The mayors of the second through sixth most populous cities in that county, as determined by the most recent decennial census, shall appoint the board members from the residents of those cities in the county by December 15 of each year. Representation on the board from these second through sixth most populous cities shall be on a rotating basis, as follows. In the initial year:

**(1)** The second most populous city shall be represented on the board, and that member shall serve for a term of one year;

**(2)** The third most populous city shall be represented on the board, and that member shall serve for a term of two years;

**(3)** The fourth most populous city shall be represented on the board, and that member shall serve for a term of three years;

**(4)** The fifth most populous city shall be represented on the board, and that member shall serve for a term of four years; and

**(5)** The sixth most populous city shall not be represented on the board.

In the second year, the sixth most populous city shall be represented on the board, and the member shall serve for a term of four years. In that second year, the second most populous city shall have no representation on the board. Membership on the board shall rotate in this manner every year thereafter, with each of the second through sixth most populous cities not being represented on the board, in this alternating basis, one of every succeeding four years.

**3.** The board members appointed to a district shall hold office for four-year terms; provided that, initial terms of the representative of the second through the sixth most populous cities in the county shall be of the staggered lengths as set forth in subsection 2 of this section. On the expiration of the initial terms of appointment and on the expiration of any subsequent term, the resulting vacancies shall be filled by the chief elected official of each of the represented cities and the county. All vacancies on the board shall be filled in the same manner for

the duration of the term being filled. Board members shall serve until their successors are named and the successors have commenced their terms as board members. Board members shall be eligible for reappointment.

4. The chief elected official of each city or county that has membership on the board of a district may replace a board member representing that elected official's city or county at any time, in that elected official's sole discretion. Upon this removal, the chief elected official shall appoint another individual to represent that city or county on the board of directors of the district.

67.5024. Promptly after their appointment, the initial board members of a district created pursuant to sections 67.5000 to 67.5038 shall hold an organizational meeting at which they shall elect a president, secretary, treasurer, and any other officers from among their number as they may deem necessary. The members shall make and adopt bylaws, rules, and regulations for their guidance, as may be expedient and not inconsistent with sections 67.5000 to 67.5038.

67.5026. Board members shall be citizens of the United States and shall reside within the county or city, as the case may be, from which they are appointed. No board member shall receive compensation for performance of duties as a board member. No board member shall be financially interested directly or indirectly in any contract entered into pursuant to sections 67.5000 to 67.5038.

67.5028. When a public highway, street, or road extends into or through a public trail, trail area, greenway, or park area of a district, or when a public highway, street, or road forms all or part of a suitable connection between two or more public trails, trail areas, or park areas within a district, and it is advisable by the board to make alterations in the route or width of the highway or to grade, drain, pave, or otherwise improve the highway, the board may enter into agreements, consistent with the purposes of that district, with the public authorities in control of the portion of the highway, street, or road that lies within any, or forms any part of, a connecting link to and between any, public trail, trail area, or park area of a district. Any agreement with any such public authority shall follow the procedure authorized by law for dealing with that authority, and any agreement shall provide for the payment by the board of an agreed-upon portion of the costs of that agreement. This section shall not alter the legal status of that highway, street, or road in any way.

67.5030. No district created pursuant to sections 67.5000 to 67.5038 shall be authorized to exercise the power of eminent domain.

67.5032. 1. Bonds of a district authorized by sections 67.5000 to 67.5038 shall be issued pursuant to a resolution adopted by the board of directors of that district, which resolution shall set out the estimated cost to that district of the proposed improvements, and shall further set out the amount of bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment, and all other details in connection with those bonds. These bonds may be subject to provision for redemption prior to maturity, with or without premium, and at the times and upon the conditions as may be provided by the resolution.

2. Notwithstanding the provisions of section 108.170, these bonds shall bear interest at rate or rates determined by the issuing district and shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of the bonds to be issued. Bonds issued by a district shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

3. These bonds may be payable to bearer, may be registered or coupon bonds and, if payable to bearer, may contain any registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing those bonds, which resolution may also provide for the exchange of registered and coupon bonds. These bonds and any coupons attached thereto shall be signed in the manner and by the officers of the district as may be provided by the resolution authorizing the bonds. A district may provide for the replacement of any bond that has become mutilated, destroyed, or lost.

4. Bonds issued by a district shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the issuing district's parks, trails, and greenways fund, including revenues derived from local sales taxes and any other monies held by that district. Neither the board members nor any person executing the bonds shall be personally liable on those bonds by reason of the issuance of those bonds. Bonds issued pursuant to this section or section 67.5034 shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any of these obligations be a pledge of the faith and credit of this state,

but shall be payable solely from the revenues and assets held by the issuing district. The issuance of bonds pursuant to this section or section 67.5034 shall not directly, indirectly or contingently obligate this state or any political subdivision of this state, other than the district issuing the bonds, to levy any form of taxation for those bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section or section 67.5034 shall contain, on its face, a statement to the effect that the issuing district shall not be obligated to pay those bonds nor the interest on those bonds, except from the revenues received by the issuing district or assets of that district lawfully pledged for that district, and that neither the good faith and credit nor the taxing power of this state or of any political subdivision of this state, other than the issuing district, is pledged to the payment of the principal of or the interest on that obligation or bond. The proceeds of these bonds shall be disbursed in the manner and pursuant to the restrictions the district may provide in the resolution authorizing the issuance of those bonds.

67.5034. 1. A district may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of any bonds of a district then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities to be acquired, leased or subleased by that district, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on those bonds to the date of that refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of any refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

2. In the event that any of the board members or officers of a district whose signatures appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of those bonds, those signatures shall remain valid and sufficient for all purposes, the same as if that board member or officer had remained in office until the delivery of those bonds.

67.5036. Each district is hereby declared to be performing a public function and bonds of a district are declared to be issued for an essential public and governmental purpose and, accordingly, interest on those bonds and income from those bonds shall be exempt from income taxation by this state.

67.5038. All purchases by a district in excess of ten thousand dollars used in the construction or maintenance of any public recreational facility, trail, park, or greenway in that district shall be made pursuant to the lowest and best bid standard as provided in section 34.040 or pursuant to the lowest and best proposal standard as provided in section 34.042. The board of any district shall have the same discretion, powers and duties as granted to the commissioner of administration by sections 34.040 and 34.042.”; and

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

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

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569, Page 4, Section 115.123, Line 24, by inserting after all of said section and line the following:

- “115.315. 1. Sections 115.315 to 115.327 shall be known and may be cited as the "Fair Ballot Access Act".
2. Any group of persons desiring to form a new political party throughout the state, or for any congressional district, state senate district, state representative district or circuit judge district, shall file a petition with the secretary of state. Any group of persons desiring to form a new party for any county shall file a petition with the election authority of the county.
3. Each page or a sheet attached to each page of each petition for the formation of a new political party shall:
- (1) Declare concisely the intention to form a new political party in the state, district or county;
  - (2) State in not more than five words the name of the proposed party;



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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569, Page 2, Section 54.330, Line 16, by inserting after all of said section and line:

“67.1860. Sections 67.1860 to [67.1898] **67.1894** shall be known as the "Missouri Law Enforcement District Act".

67.1862. As used in sections 67.1860 to [67.1898] **67.1894**, the following terms mean:

- (1) "Approval of the required majority" or "direct voter approval", a simple majority;
- (2) "Board", the board of directors of a district;
- (3) "District", a law enforcement district organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**;
- (4) "**Registered voter**", **any voter registered within the boundaries of the district or proposed district.**

67.1864. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.

2. A district is a political subdivision of the state.

3. A district may be created in any county of the first classification [without a charter form of government and a population of fifty thousand inhabitants or less].

67.1866. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.

2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities. **Two areas may be considered contiguous if both are adjacent to the shoreline of the same body of water.**

3. The petition shall set forth:

(1) The name and address of each owner of real property located within the proposed district [or who is a] **and each** registered voter [resident] within the proposed district;

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

(3) A general description of the purpose or purposes for which the district is being formed; and

(4) The name of the proposed district.

4. The circuit clerk of the county in which the petition is filed [pursuant to] **under** this section shall present the petition to the judge, who shall thereupon set the petition for hearing not less than thirty days nor more than forty days after the filing. The judge shall cause notice of the time and place of the hearing to be given, by publication on three separate days in one or more newspapers having a general circulation within the county, with the third and final publication to occur not less than twenty days prior to the date set for the hearing. The notice shall recite the information required [pursuant to] **under** subsection 3 of this section. The costs of printing and publication of the notice shall be paid as required [pursuant to] **under** section 67.1870.

**5. In the event any owner of real property within the proposed district who is named in the petition or any registered voter does not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon such owner or registered voter in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.**

67.1868. 1. Any owner of real property within the proposed district and any [legal] **registered** voter [who is a resident] within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.

2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall [determine and declare] **order** the district organized and incorporated and shall approve the plan of operation stated in the petition.

3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.

67.1870. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894**, the petitioners may be reimbursed for such costs out of the revenues received by the district.

67.1872. A district created [pursuant to] **under** sections 67.1860 to [67.1898] **67.1894** shall be governed by a board of directors consisting of five members to be elected as provided in section 67.1874.

67.1874. 1. Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give 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, to call a meeting of the owners of real property and registered voters [resident] 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 five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of [residents] **registered voters** of the district.

2. The attendees, when assembled, shall organize by [the election of] **electing** a chairman and secretary of the meeting [who]. **The secretary** shall conduct the election.

3. **Upon completion of the terms of the initial directors under subsection 1 of this section**, each director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the [residents] **registered voters** called by the board. [Each successor director shall serve a three-year term.] The remaining directors shall have the authority to 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.

67.1878. A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating one or more projects relating to law enforcement. Such funds may be derived from any funding method which is authorized by sections 67.1860 to [67.1898] **67.1894** and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency of the state, a political subdivision of the state or private sources.

67.1880. 1. If approved by at least four-sevenths of the [qualified] **registered** voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling **approved by the voters** without **new** voter approval. The property tax shall be uniform throughout the district.

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

Shall the ..... Law Enforcement District impose a property tax upon all real and tangible personal property within the district at a rate of not more than ..... (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

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 four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales. If less than four-sevenths of the votes cast on the question by the registered voters voting thereon are in favor of the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the registered voters and such question is approved by the requisite four-sevenths of the registered voters voting on the question. In no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal submitted under this section.**

3. The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

4. Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his or her commissions, remit to the treasurer of that district the amount collected or received by him or her prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

67.1886. In addition to all other powers granted by sections 67.1860 to [67.1898] **67.1894** the district shall have the following general powers:

- (1) To contract with the [local] **county** sheriff's department for the provision of services;
- (2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;
- (3) To fix compensation of its employees and contractors;
- (4) To purchase any personal property necessary or convenient for its activities;
- (5) To collect and disburse funds for its activities; and
- (6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

67.1888. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.

3. **The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources. However,** the district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. [The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.]

67.1894. [1. The authority of the district to levy any property tax levied pursuant to section 67.1880 may be terminated by a petition of the voters in the district in the manner prescribed in this section.

2. The petition for termination of authority to tax may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district may file with the board a petition in writing praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116; or

(2) All of the owners of real estate in the district may file a petition with the board praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted.

4. If the board deems it for the best interest of the district, it shall grant the petition. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. If the petition contains the

signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be terminated upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated subject to the election provided in section 67.1896. The circuit court having jurisdiction over the district shall proceed to make any such order terminating such taxation authority as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board] **Whenever the district board receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district, calling for an election to repeal the tax imposed under section 67.1880, the board shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the registered voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in section 67.1880 shall remain effective until the question is resubmitted under this section to the registered voters and the repeal is approved by a majority of the registered voters voting on the question.**”; and

Further amend said bill, Section 115.761, Page 8, Line 31, by inserting after all of said line the following:

“[67.1890. 1. The boundaries of any district organized pursuant to sections 67.1860 to 67.1898 may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed may file with the board a petition in writing praying that such real property be included within, or removed from, the district. The petition shall describe the property to be included in, or removed from, the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition. Such petition shall be in substantially the form set forth for petitions in chapter 116; provided that, in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a district in the case of annexation, or all of the owners of any territory or tract of land within a district in the case of deannexation, who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in, or removed from, the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included or removed and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his or her part to the inclusion of such lands in, or removal of such lands from, the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines in the case of annexation that some portion of the property mentioned in the

petition cannot as a practical matter be served by the district, or if it deems in the case of annexation that it is in the best interest of the district that some portion of the property in the petition not be included in the district, or if in the case of deannexation it deems that it is impracticable for any portion of the property to be deannexed from the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. Upon the order of the court having jurisdiction over the district, the property shall be included in, or removed from, the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in, or removed from, the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this section, the property shall be included in, or removed from, the district subject to the election provided in section 67.1892. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district, or removing such property from the district, as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.]

[67.1892. 1. If the petition to add or remove any territory or tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1890, the decree of extension or retraction of boundaries shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree and until it has been assented to by a majority vote of the voters in the newly included area, or the area to be removed, voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of extending or retracting the boundaries of the district, and shall fix the date for holding the election.

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

Shall the boundaries of the ..... Law Enforcement District be (extended to include/retracted to remove) the following described property? (Describe property)

YES                                       NO

3. If a majority of the voters voting on the proposition vote in favor of the extension or retraction of the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of the boundaries to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to extend or retract the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of boundaries to be void and of no effect.]

[67.1896. 1. If the petition filed pursuant to section 67.1894 contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 67.1894, the termination of taxation authority shall not become final and conclusive until it has been submitted to an election of the voters residing within the district and until it has been assented to by at least four-sevenths of the voters in the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition, and shall fix the date for holding the election.

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

Shall the authority of the ..... Law Enforcement District to adopt property taxes be terminated?

YES                                       NO

3. If four-sevenths of the voters voting on the proposition vote in favor of such termination, then the court shall enter its further order declaring the termination of such authority, and all such taxes that are being assessed in the current calendar year pursuant to such authority, to be final and conclusive. In the event, however, that the court finds that less than four-sevenths of the voters voting thereon voted against the proposition to terminate such authority, then the court shall enter its further order declaring the decree of termination of such district's taxing authority to be void and of no effect.]

[67.1898. 1. Whenever a petition signed by not less than ten percent of the registered voters in any district organized pursuant to sections 67.1860 to 67.1898 is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is not in the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on such question, to order a submission of the question, after having caused publication of notice of a hearing on such petition in the same manner as the notice required in section 67.1874, in substantially the following form:

Shall ..... (Insert the name of the law enforcement district) Law Enforcement District be dissolved?

YES  NO

2. If the court shall find that it is to the best interest of the inhabitants of the district that such district be dissolved, it shall make an order reciting such finding and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of the election shall be certified to the court.

If the court finds that a majority of the voters voting thereon shall have voted in favor of the proposition to dissolve the district, the court shall make a final order dissolving the district, and the decree shall contain a proviso that the district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities previously incurred, or necessary to the winding up of the district. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though the petition asking for such dissolution has not been filed.

3. The dissolution of a district shall not invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the circuit court shall, pursuant to this section, dissolve a district, the court shall appoint some competent person to act as trustee for the district so dissolved and such trustee before entering upon the discharge of his or her duties shall take and subscribe an oath that he or she will faithfully discharge the duties of the office, and shall give bond with sufficient security, to be approved by the court to the use of such dissolved district, for the faithful discharge of his or her duties, and shall proceed to liquidate the district under orders of the court, including the levying of any taxes provided for in sections 67.1860 to 67.1898.]"; and

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

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

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569, Page 4, Section 115.123, Line 24, by inserting after all of said section and line, the following:

“115.305. **Except as provided in sections 115.348 and 115.350**, this subchapter shall not apply to candidates for special district offices, township offices in township organization counties, or city, town and village offices; provided that, cities of the fourth class, except those in a county of the first class with a charter form of government and which adjoins a city not within a county, may elect, only by ordinance, to hold primary elections in accordance with the provisions of sections 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510, and the ordinance shall state which of these provisions of law are being adopted.”; and

Further amend said bill, Page 5, Section 115.342, Line 30, by inserting after all of said section and line, the following:

“115.348. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America. **Notwithstanding the provisions of subdivision (22) of section 115.013 to the contrary, this section shall apply to any person seeking to qualify as a candidate for an elected office in cities of the fourth classification.**

115.350. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or found guilty of or pled guilty to a felony under the laws of this state. **Notwithstanding the provisions of subdivision (22) of section 115.013 to the contrary, this section shall apply to any person seeking to qualify as a candidate for an elected office in cities of the fourth classification.”**; and

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

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

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 569, Page 3, Section 78.090, Line 23, by inserting after all of said section and line the following:

“115.091. On commissioning or before entering upon his duties, each election judge shall take and subscribe the following oath:

I solemnly swear that I will **support and defend the Constitution of the United States and of this state, that I will** impartially discharge the duties of judge according to law[,] to the best of my ability, and that I will not disclose how any voter has voted unless I am required to do so as a witness in a proper judicial proceeding. I also affirm that I will not allow any person to vote who is not entitled to vote and that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me this .....day of .....,  
20... ..... Judge of Election .....  
Election Authority (Judge of Election) witnessing oath”; and

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

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

On motion of Representative Dugger, **HCS SCS SB 569, as amended**, was adopted.

On motion of Representative Dugger, **HCS SCS SB 569, as amended**, was read the third time and passed by the following vote:

AYES: 109

Allen	Anders	Asbury	Bahr	Barnes
Bernskoetter	Berry	Black	Brandom	Brown 50
Brown 116	Burlison	Casey	Cauthorn	Cierpiot
Conway 14	Conway 27	Cookson	Cox	Crawford
Cross	Curtman	Davis	Day	Denison
Dieckhaus	Diehl	Dugger	Entlicher	Fallert
Fisher	Fitzwater	Flanigan	Fraker	Franklin
Franz	Frederick	Funderburk	Gosen	Grisamore
Guernsey	Hampton	Higdon	Hodges	Hoskins
Hough	Houghton	Hubbard	Johnson	Jones 89
Jones 117	Kander	Keeney	Kelley 126	Kelly 24
Klippenstein	Korman	Lair	Lant	Largent

Lasater	Lauer	Leach	Leara	Lichtenegger
Loehner	Long	McCaherty	McDonald	McGhee
McManus	Meadows	Molendorp	Nance	Nasheed
Neth	Phillips	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Shively
Shumake	Silvey	Smith 150	Solon	Sommer
Stream	Swinger	Thomson	Torpey	Wallingford
Webber	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 040

Atkins	Brattin	Brown 85	Colona	Ellinger
Ellington	Fuhr	Harris	Holsman	Hummel
Jones 63	Kirkton	Koenig	Kratky	Lampe
Marshall	May	McCann Beatty	McCreery	McGeoghegan
McNeil	Montecillo	Morgan	Newman	Nichols
Oxford	Pace	Pierson	Rizzo	Schieber
Schieffer	Schupp	Smith 71	Spreng	Still
Swearingen	Talboy	Taylor	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 014

Aull	Carlson	Carter	Elmer	Gatschenberger
Haefner	Hinson	Hughes	McNary	Nolte
Parkinson	Schneider	Schoeller	Sifton	

Representative Keeney declared the bill passed.

## COMMITTEE REPORTS

**Committee on Children and Families**, Chairman Largent reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 2038**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children and Families, to which was referred **SCS SB 711**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children and Families, to which was referred **SS SB 727**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Judiciary**, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **SB 628**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Workforce Development and Workplace Safety**, Chairman Fisher reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **SB 911**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1042**, entitled:

An act to repeal sections 173.005, 173.040, 173.606, 173.608, 173.612, 173.614, 173.616, and 173.618, RSMo, and to enact in lieu thereof eight new sections relating to duties prescribed to the coordinating board for higher education, with a penalty provision.

With Senate Amendment No. 2.

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1042, Page 1, Section Title, Line 4, by striking the following:

"duties prescribed to the coordinating board for"; and

Further amend said bill, Page 14, Section 173.618, Line 11, by inserting immediately after said line the following:

"174.332. 1. Notwithstanding the provisions of section 174.050 to the contrary, the board of regents of Northwest Missouri State University shall be composed of nine members, eight of whom shall be voting members and one who shall be a nonvoting member. Not more than four voting members shall belong to any one political party. **Not more than two voting members shall be residents of the same county.** The appointed members of the board serving on August 28, 2008, shall continue to serve until the expiration of the terms for which the appointed members were appointed and until such time a successor is duly appointed.

2. The board of regents shall be appointed as follows:

(1) Six voting members shall be residents of the university's historic statutory service region, as described in section 174.010 and modified by section 174.250, provided at least one member shall be a resident of Nodaway County;

(2) Two voting members shall be residents of a county in the state that is outside the university's historic statutory service region, as described in section 174.010 and modified by section 174.250, provided these two members shall not be appointed from the same congressional district; and

(3) One nonvoting member shall be a full-time student of the university, a United States citizen, and a resident of Missouri.

3. A majority of the voting members of the board shall constitute a quorum for the transaction of business; however, no appropriation of money nor any contract that shall require any appropriation or disbursement of money shall be made, nor teacher employed or dismissed, unless a majority of the voting members of the board vote for the same.

4. Except as specifically provided in this section, the appointments and terms of office for the voting and nonvoting members of the board, and all other duties and responsibilities of the board, shall comply with the provisions of state law regarding boards of regents.

174.450. 1. Except as provided in subsection 2 and subsection 6 of this section, the governing board of the **University of** Central Missouri [State University], Missouri State University, Missouri Southern State University, Missouri Western State University, and of each other public institution of higher education which, through the procedures established in subdivision (7) or (8) of section 173.030, is charged with a statewide mission shall be a board of governors consisting of eight members, composed of seven voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party. The appointed members of the board of regents serving on the date of the statutory mission change shall become members of the board of governors on the effective date of the statutory mission change and serve until the expiration of the terms for which they were appointed. The board of regents of any such institution shall be abolished on the effective date of the statutory mission change, as prescribed in subdivision (7) or (8) of section 173.030.

2. The governing board of Missouri State University, a public institution of higher education charged with a statewide mission in public affairs, shall be a board of governors of ten members, composed of nine voting members and one nonvoting member, who shall be appointed by the governor, by and with the advice and consent of the senate. The nonvoting member shall be a student selected in the same manner as prescribed in section 174.055. At least one but no more than two voting members shall be appointed to the board from each congressional district, and every member of the board shall be a citizen of the United States, and a resident of this state for at least two years prior to his or her appointment. No more than five voting members shall belong to any one political party. The term of office of the governors shall be six years, **except as provided in this subsection.** [The voting members of the board of governors serving on August 28, 2005, shall serve until the expiration of the terms for which they were appointed. For those voting members appointed after August 28, 2005, the term of office will be established in a manner where no more than three terms shall expire in a given year.] The term of office for those appointed hereafter shall end January first in years ending in an odd number. **For the six voting members' terms that expired in 2011, the successors shall be appointed in the following manner:**

**(1) Of the five voting members' terms that expired on August 28, 2011, one successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2013;**

**(2) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to terms that shall expire on January 1, 2015;**

**(3) Of the five voting members' terms that expired on August 28, 2011, two successor members shall be appointed, or the existing members shall be reappointed, to a term that shall expire on January 1, 2017; and**

**(4) For the voting member's term that expired on January 1, 2011, the successor member shall be appointed, or the existing member shall be reappointed, to a term that shall expire on January 1, 2017.**

Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.

3. If a voting member of the board of governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be forfeited and considered vacant.

4. Should the total number of Missouri congressional districts be altered, all members of the board of governors of Missouri State University shall be allowed to serve the remainder of the term for which they were appointed.

5. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board of governors of Missouri State University from the congressional district from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

6. The governing board of Missouri Southern State University shall be a board of governors consisting of nine members, composed of eight voting members and one nonvoting member as provided in sections 174.453 and 174.455, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting member who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years immediately prior to such appointment. Not more than four voting members shall belong to any one political party."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1112**, entitled:

An act to repeal sections 376.010, 376.015, and 376.307, RSMo, and to enact in lieu thereof three new sections relating to life, health, and accident insurance.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1179**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1188**, entitled:

An act to amend chapter 167, RSMo, by adding thereto one new section relating to the administration of asthma related rescue medication by school nurses.

With Senate Committee Amendment No. 1.

*Senate Committee Amendment No. 1*

AMEND House Bill No. 1188, Page 1, Section 167.635, Line 2, by striking the word "for" as it appears the second time.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1495**, entitled:

An act to repeal section 375.993, RSMo, and to enact in lieu thereof one new section relating to fraudulent insurance acts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1525**, entitled:

An act to repeal sections 221.105, 559.016, 559.036, 559.100, and 559.115, RSMo, and to enact in lieu thereof eight new sections relating to criminal offenders under the supervision of the department of corrections, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1680**.

**MESSAGE FROM THE GOVERNOR**

EXECUTIVE OFFICE

April 27, 2012

TO THE CHIEF CLERK OF THE  
HOUSE OF REPRESENTATIVES  
96<sup>th</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you **House Committee Substitute for House Bill No. 2014** 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, 2012.

On April 27, 2012 I approved said **House Committee Substitute for House Bill No. 2014**.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

**ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Tuesday, May 1, 2012.

**COMMITTEE MEETINGS**

**APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES**

Wednesday, May 2, 2012, 8:00 AM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Continued discussion of DSS policies and procedures

**CHILDREN AND FAMILIES**

Wednesday, May 2, 2012, 8:00 AM House Hearing Room 1.

Public hearing will be held: SCS SB 758, SS SCS SB 448, HB 1907, HR 1391, HCR 54

Executive session may be held on any matter referred to the committee.

#### DOWNSIZING STATE GOVERNMENT

Tuesday, May 1, 2012, Upon Morning Adjournment South Gallery.

Executive session will be held: HCR 57, HB 2106

Executive session may be held on any matter referred to the committee.

CORRECTED

#### ELECTIONS

Tuesday, May 1, 2012, 8:30 AM House Hearing Room 5.

Public hearing will be held: HB 1870, HB 2047, HB 1781

Executive session may be held on any matter referred to the committee.

#### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, May 2, 2012, 8:00 AM House Hearing Room 6.

Public hearing will be held: SS SCS SB 576

Executive session will be held: SS SCS SB 576

Executive session may be held on any matter referred to the committee.

#### EMERGING ISSUES IN ANIMAL AGRICULTURE

Tuesday, May 1, 2012, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 1.

Public hearing will be held: HB 1977

Executive session may be held on any matter referred to the committee.

#### GENERAL LAWS

Tuesday, May 1, 2012, 12:00 PM House Hearing Room 4.

Public hearing will be held: HJR 64, HB 1891, HB 2092

Executive session may be held on any matter referred to the committee.

#### HEALTH CARE POLICY

Wednesday, May 2, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1933, HB 1405, SS SB 742, HB 1078

Executive session may be held on any matter referred to the committee.

Meal provided by Jerry Burch on behalf of the Missouri Hospital Association

AMENDED

#### HEALTH INSURANCE

Tuesday, May 1, 2012, 12:00 PM House Hearing Room 5.

Public hearing will be held: SS SB 749

Executive session may be held on any matter referred to the committee.

SS SB 749 continuation of hearing from April 24, 2012

#### INTERNATIONAL TRADE AND JOB CREATION

Wednesday, May 2, 2012, 5:00 PM House Hearing Room 7.

Public hearing will be held: HCR 55

Executive session may be held on any matter referred to the committee.

#### JUDICIARY

Wednesday, May 2, 2012, 12:00 PM or Upon Morning Recess (whichever is earlier) House Hearing Room 1.

Public hearing will be held: SB 739, HB 1514, HB 2107

Executive session may be held on any matter referred to the committee.

#### LOCAL GOVERNMENT

Wednesday, May 2, 2012, 8:00 AM House Hearing Room 7.

Executive session will be held: SCS SB 692

Executive session may be held on any matter referred to the committee.

#### RULES - PURSUANT TO RULE 25(32)(F)

Tuesday, May 1, 2012, Upon Afternoon Adjournment House Hearing Room 6.

Executive session will be held: HR 1880, HB 1690, HB 1728, HB 1790, HCS HB 1970, SS SCR 16, SCS SCR 17, SCR 25, HCS SS SCS SB 470, SCS SB 566, HCS SS SCS SB 469, HCS SS SCS SB 595, HCS SCS SB 591, HCS SB 620, HCS SB 628, HCS SCS SB 635, HCS SB 636, SS SB 665, HCS SCS SB 726, SS SCS SB 689, SCS SB 837

Executive session may be held on any or all bills which have been referred to this committee.

#### SPECIAL STANDING COMMITTEE ON GOVERNMENTAL AFFAIRS

Tuesday, May 1, 2012, Upon Afternoon Adjournment House Hearing Room 7.

Public hearing will be held: SCS SB 510, HB 2064

Executive session may be held on any matter referred to the committee.

#### SPECIAL STANDING COMMITTEE ON JUDICIAL REFORM

Tuesday, May 1, 2012, 1:00 PM House Hearing Room 3.

Executive session may be held on any matter referred to the committee.

Executive session on previously referred bills.

#### SPECIAL STANDING COMMITTEE ON RENEWABLE ENERGY

Tuesday, May 1, 2012, 12:00 PM House Hearing Room 3.

Public hearing will be held: HB 1850, HB 1924

Executive session may be held on any matter referred to the committee.

#### AMENDED

#### TRANSPORTATION

Tuesday, May 1, 2012, Upon Morning Adjournment House Hearing Room 7.

Executive session may be held on any matter referred to the committee.

#### TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

Tuesday, May 1, 2012, 5:00 PM or Upon Afternoon Adjournment, whichever is later, House Hearing Room 5.

Public hearing will be held: SS SB 769

Executive session may be held on any matter referred to the committee.

UTILITIES

Tuesday, May 1, 2012, 12:00 PM or Upon Recess House Hearing Room 1.

Public hearing will be held: SCS SBs 484, 477 & 606

Executive session may be held on any matter referred to the committee.

**HOUSE CALENDAR**

SIXTY-FIFTH DAY, TUESDAY, MAY 1, 2012

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

HCS HJR 89 - Schoeller

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1198, as amended - Fisher
- 2 HCS HB 1275 - Koenig
- 3 HB 1718, (2 hours debate on Perfection) - Scharnhorst
- 4 HCS HB 1049 - Allen
- 5 HCS HB 1210, as amended - Gatschenberger
- 6 HCS HB 1795 - Ruzicka
- 7 HCS HB 1803 - Korman
- 8 HCS HB 1966 - Burlison
- 9 HCS HB 1328 - Cox
- 10 HB 1779 - Flanigan
- 11 HCS HB 1794 - Grisamore
- 12 HCS HB 1854 - Grisamore
- 13 HCS HB 1754 - Cox
- 14 HCS HB 1815 - Pollock
- 15 HB 1842 - Lant
- 16 HCS HB 1900 - Redmon
- 17 HCS HB 1922 - Molendorp
- 18 HCS HB 1935 - Franz
- 19 HB 2063 - Denison
- 20 HCS HB 2100 - Denison
- 21 HCS HB 1709 - Hough
- 22 HCS HB 1710 - Hough
- 23 HCS HB 1076 & 1302 - Wyatt
- 24 HCS HB 1245 - Lauer
- 25 HCS#2 HB 1358 - Gatschenberger
- 26 HCS HB 1397 - Gatschenberger
- 27 HCS HBs 1542 & 1101 - Koenig
- 28 HCS#2 HB 1213 - Franklin
- 29 HB 1357 - Gatschenberger
- 30 HCS HB 1526 - Dieckhaus
- 31 HCS HB 1846 - Long
- 32 HCS HB 1585 - Cross

- 33 HCS HB 1639 - Nolte
- 34 HCS HB 1971 - Schneider

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

HCS HB 1988 - Brandom

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

HCS HJR 61 - Loehner

**HOUSE BILLS FOR THIRD READING**

- 1 HB 1277 - Long
- 2 HCS HBs 1298 & 1180 - Parkinson
- 3 HB 1431 - Hoskins
- 4 HB 1066 - McGhee
- 5 HB 1455 - Gatschenberger

**SENATE BILLS FOR THIRD READING**

- 1 SB 611 - Stream
- 2 SS SCS SB 719, E.C. - Brown (116)
- 3 HCS SCS SB 562, E.C. - Thomson
- 4 HCS SB 455, (Fiscal Review 4/26/12) - Thomson
- 5 HCS SS SCS SB 467, E.C. - Cox
- 6 HCS SCS SB 498, E.C. - Shumake
- 7 SCS SB 566 - Jones (117)
- 8 HCS SB 578 - Cox

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SS HCS HB 1106, as amended - Dugger
- 2 HB 1188, SCA 1 - Allen

**BILLS CARRYING REQUEST MESSAGES**

- 1 SS SCS HCS HB 2002, (request Senate recede/grant conference) - Silvey
- 2 SS SCS HCS HB 2003, (request Senate recede/grant conference) - Silvey
- 3 SS SCS HCS HB 2004, (request Senate recede/grant conference) - Silvey
- 4 SS SCS HCS HB 2005, (request Senate recede/grant conference) - Silvey
- 5 SS SCS HCS HB 2006, as amended, (request Senate recede/grant conference) - Silvey
- 6 SS SCS HCS HB 2007, (request Senate recede/grant conference) - Silvey
- 7 SS SCS HCS HB 2008, (request Senate recede/grant conference) - Silvey
- 8 SS SCS HCS HB 2009, (request Senate recede/grant conference) - Silvey
- 9 SS SCS HCS HB 2010, (request Senate recede/grant conference) - Silvey
- 10 SS SCS HCS HB 2011, as amended, (request Senate recede/grant conference) - Silvey

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11 SS SCS HCS HB 2012, (request Senate recede/grant conference) - Silvey

12 SS SCS HCS HB 2013, (request Senate recede/grant conference) - Silvey

### **BILLS IN CONFERENCE**

HCS SB 568, as amended, E.C. - Franz

### **SENATE CONCURRENT RESOLUTIONS**

SCR 28 - Diehl

### **HOUSE RESOLUTIONS**

1 HR 1365 - Bahr

2 HR 959 - Jones (89)

### **HOUSE BILLS VETOED FROM SECOND REGULAR SESSION**

HB 1219 - Elmer

### **SENATE BILLS VETOED FROM SECOND REGULAR SESSION**

SS SCS SB 572 - Richardson