Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-THIRD DAY—WEDNESDAY, MAY 15, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"He is doing the work of the Lord." (I Cor. 16:10)

Merciful Father, help us to have confidence in the work we do here in the Senate that it is being done according to Your guidance; may we have humble pride that some of our work contributes to the welfare of Your people in this state. And let us never cease to appreciate the Senate staff whose sacrificial efforts help bring about what we hope to accomplish. And we bring once again our prayers for Senator DePasco that You guide his doctor's decisions and touch his body with Your healing power. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

President Pro Tem Kinder assumed the Chair.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1772, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hubert Wilkins, Concordia, which was adopted.

Senator Bentley offered Senate Resolution No. 1773, regarding Robert Roundtree, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1774, regarding Sister Lorraine Biebel, Springfield, which was adopted.

CONCURRENT RESOLUTIONS

Senator Westfall moved that **HCR 24** be taken up for 3rd reading and final passage, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Westfall, **HCR 24** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Rohrbach—1

Absent—Senator Bland—1

Absent with leave—Senator DePasco—1

The President declared the concurrent resolution passed.

On motion of Senator Westfall, title to the concurrent resolution was agreed to.

Senator Westfall moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SS** for **SCS** for **SBs 970**, **968**, **921**, **867**, **868** and **738**, as amended. Representatives: Koller, Green (73), Berkowitz, Ostmann and Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HCS** for **HB 1962** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SBs 915**, **710** and **907**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SCS** for **SBs 915**, **710** and **907**, as amended. Representatives: Koller, Green (73), Berkowitz, Ostmann and Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969**, **673** and **855**, as amended, and grants the Senate a conference thereon and the conferees be bound to **HA 2** to **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969**, **673** and **855**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SB 1026**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 1061** and **1062**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended: Senators Klarich, Gibbons, Loudon, Mathewson and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SBs 915**, **710** and **907**, as amended: Senators Westfall, Russell, Klindt, Staples and Goode.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969**, **673** and **855**, as amended: Senators Westfall, Bentley, Klindt, Caskey and Coleman.

PRIVILEGED MOTIONS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 895**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 895

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Bill No. 895, with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 895, as amended;

2. That the Senate recede from its position on Senate Bill No. 895;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 895, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Anita Yeckel	/s/ Chris Liese
/s/ Doyle Childers	/s/ Ralph Monaco
/s/ Bill Foster	/s/ Dan Ward
/s/ John Schneider	/s/ Blaine Luetkemeyer
/s/ Harry Wiggins	/s/ Mark Wright

Senator Yeckel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Jacob—1

Absent—Senator Bland—1

Absent with leave—Senator DePasco—1

On motion of Senator Yeckel, **CCS** for **HS** for **HCS** for **SB 895**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 895

An Act to repeal sections 30.260, 139.235, 143.081, 148.020, 148.610, 301.560, 301.600, 301.610, 301.620, 301.630, 301.640, 301.660, 306.400, 306.405, 306.410, 306.420, 306.430, 351.120, 351.140, 351.145, 351.150, 351.155, 355.856, 356.211, 361.700, 362.020, 362.106, 362.117, 362.170, 362.245, 362.270, 362.275, 362.335, 365.100, 364.120, 365.140, 367.518, 385.050, 400.9-102, 400.9-109, 400.9-303, 400.9-317, 400.9-323, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-504, 400.9-509, 400.9-513, 400.9-525, 400.9-602, 400.9-608, 400.9-611, 400.9-613, 400.9-615, 400.9-625, 400.9-710, 407.432, 408.083, 408.140, 408.170, 408.320, 408.510, 408.556, 408.557, 409.204, 409.402, 417.210, 454.507, 454.516, 525.070, 570.130, 575.060, 700.350, 700.355, 700.360, 700.365, 700.370, and 700.380, RSMo, sections 375.018 and 375.065 as enacted by house committee substitute for senate substitute for senate bill no. 193, ninety-first general assembly, first regular session, section 375.018 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 709, eighty-seventh general assembly, first regular session, and section 375.065 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 896, ninetieth general assembly, second regular session, and to enact in lieu thereof eighty-five new sections relating to financial services, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senator Jacob—1

Absent—Senators

Bland	Schneider	Singleton—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SB 1026**, as amended: Senators Kenney, Sims, Rohrbach, Dougherty and Stoll.

President Pro Tem Kinder assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 1898**, with **SCS**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto eleven new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Goode.

SCS for **HCS** for **HB 1898**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1898

An Act to amend chapter 338, RSMo, by adding thereto eleven new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause and an expiration date.

Was taken up.

Senator Goode moved that **SCS** for **HCS** for **HB 1898** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **HCS** for **HB 1898**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1898

An Act to amend chapter 338, RSMo, by adding thereto eleven new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause and an expiration date.

Senator Rohrbach moved that **SS** for **SCS** for **HCS** for **HB 1898** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Goode, **SS** for **SCS** for **HCS** for **HB 1898** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Childers	Dougherty
Foster	Goode	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins—24

NAYS—Senators

Caskey	Cauthorn	Coleman	Gibbons
Gross	House	Mathewson	Quick
Yeckel—9			

Absent—Senators—None

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Childers	Dougherty
Foster	Gibbons	Goode	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Caskey	Cauthorn	Coleman	Gross
House—5			

Absent—Senator Mathewson—1

Absent with leave—Senator DePasco—1

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate request the House not bind its conferees to **HA 2** to **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969**, **673** and **855**, as amended, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 1061** and **1062**, as amended. Representatives Harlan, Wilson (25), Smith, Luetkemeyer and Portwood.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1773** and has taken up and passed **SCS** for **HB 1773**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HJR 47** and has taken up and passed **SS** for **SCS** for **HCS** for **HJR 47**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HCS** for **HB 1403** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1403**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 1270** and **HB 2032** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HB 1748** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 758** and has taken up and passed **CCS** for **HCS** for **SB 758**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SCS** for **SB 1026**, as amended. Representatives: Barry, Selby, Treadway, King and May (149).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SJR 24**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Steelman moved that the Senate refuse to recede from its position on **SS** for **HB 1748**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator House moved that **SB 718**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 718**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 718

An Act to repeal section 171.021, RSMo, and to enact in lieu thereof one new section relating to reciting the Pledge of Allegiance in public schools.

Was taken up.

Senator House moved that **HCS** for **SB 718** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Goode	Jacob	Mathewson	Schneider
Staples—5			

Absent with leave—Senator DePasco—1

On motion of Senator House, **HCS** for **SB 718** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Gross	Jacob	Mathewson	Schneider
Staples—5			

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 1086** and **1126**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1086 and 1126

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1086 & 1126, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1086 & 1126;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 1086 & 1126;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1086 & 1126, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Ed Quick	/s/ Thomas A. Hoppe
/s/ Stephen Stoll	/s/ Wes Wagner

/s/ Doyle Childers /s/ Ryan McKenna

/s/ David Klindt /s/ Don Lograsso

/s/ Roseann Bentley /s/ Jon Dolan

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators—None

Absent—Senators

Bland	Mathewson	Singleton	Staples—4

Absent with leave—Senator DePasco—1

On motion of Senator Quick, **CCS** for **HCS** for **SCS** for **SBs 1086** and **1126**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1086 and 1126

An Act to repeal sections 67.398, 71.285, 447.620, 447.622, 447.625, 447.632, 447.636, 447.638, and 447.640, RSMo, and to enact in lieu thereof ten new sections relating to nuisance abatement.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators—None

Absent—Senators

Bland	Singleton	Staples	Steelman—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Photographers from the St. Louis Post-Dispatch and the Associated Press were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HB 1508, with **SCS**, introduced by Representative Koller, entitled:

An Act to repeal sections 226.540, 226.550, 226.580, and 226.585, RSMo, and to enact in lieu thereof five new sections relating to highway beautification.

Was called from the Informal Calendar and taken up by Senator Westfall.

SCS for **HB 1508**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1508

An Act to repeal sections 226.540, 226.550, 226.573, 226.580, and 226.585, RSMo, and to enact in lieu thereof five new sections relating to highway beautification.

Was taken up.

Senator Westfall moved that **SCS** for **HB 1508** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **HB 1508** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Quick	Russell	Schneider
Stoll	Westfall	Wiggins—23	

NAYS—Senators

Gross	Loudon	Rohrbach	Sims
Singleton	Steelman—6		

Absent—Senators

Bland	Mathewson	Staples	Yeckel—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

At the request of Senator Caskey, **HS** for **HCS** for **HBs 1654** and **1156**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Steelman, **HS** for **HCS** for **HB 1650**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kenney, **HCS** for **HB 1143**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sims, **HS** for **HB 1498**, with **SCS**, was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate refuse to concur in **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HB 1748**, as amended: Senators Steelman, Klindt, Cauthorn, Johnson and Caskey.

PRIVILEGED MOTIONS

Senator Bland moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 680**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Kenney, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Childers.

PRIVILEGED MOTIONS

Senator Johnson moved that **SJR 24**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SJR 24**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 24

Joint Resolution submitting to the qualified votes of Missouri an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

Was taken up.

Senator Kenney requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HS** for **HCS** for **SS** for **SB 1248**, as amended, to meet in the Senate Lounge while the Senate is in session, which request was granted.

Senator Johnson moved that **HCS** for **SJR 24** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Childers	Dougherty	Foster	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Rohrbach	Schneider	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel—21			

NAYS—Senators

Caskey	Cauthorn	Russell	Steelman—4

Absent—Senators

Bentley	Bland	Coleman	Gibbons
Jacob	Klarich	Mathewson	Quick—8

Absent with leave—Senator DePasco—1

On motion of Senator Johnson, **HCS** for **SJR 24** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Childers	Dougherty	Foster
Goode	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Rohrbach	Schneider	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel—21			

NAYS—Senators

Caskey	Cauthorn	Russell	Steelman—4

Absent—Senators

Bland	Coleman	Gibbons	Gross
Jacob	Klarich	Mathewson	Quick—8

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 712**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 712

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, with House Amendments Nos. 1, 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendments Nos. 4, 5, 8 and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 712;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, be Third Read

and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Marvin Singleton	/s/ Jim O'Toole
/s/ Sarah Steelman	/s/ W. Craig Hosmer
/s/ Chuck Gross	/s/ Connie Johnson
/s/ Harold Caskey	Charlie Ballard
/s/ Ed Quick	/s/ Susan Phillips

Senator Singleton moved that the above conference committee report be adopted.

At the request of Senator Singleton, his motion was withdrawn.

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 1220**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1220

The Conference Committee appointed on House Substitute for Senate Bill No. 1220, with House Amendments Nos. 1 and 2 to Part II and House Amendment No. 1 to Part IV, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on the House Substitute for Senate Bill No. 1220, with House Amendments Nos. 1 and 2 to Part II and House Amendment No. 1 to Part IV;

2. That the Senate recede from its position on Senate Bill No. 1220;

3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 1220, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Betty Sims	/s/ Jim O'Toole
/s/ Bill Kenney	/s/ Jim Foley
/s/ Pat Dougherty	/s/ Wayne Crump 152
/s/ Harry Wiggins	/s/ Mark Richardson
/s/ Anita Yeckel	Chuck Purgason

President Pro Tem Kinder assumed the Chair.

Senator Sims moved that the above conference committee report be adopted.

Senator Loudon raised the following point of order that the Conference Committee Substitute for House Substitute for Senate Bill No. 1220 exceeds the differences between the Senate and the House and therefore is out of order.

Mr. President, the Senate and the House passed the same version of section 313.230. The Conference Committee Substitute in subdivision (8) of subsection 313.230 removed language that was found in both **SB 1220** as passed by the Senate and the **HS** for **SB 1220** as passed by the House. Those removed words are: "; seeking a license or renewal of a license as a lottery retailer;", and later in subdivision (8) the words "and closed". A new subdivision (9) was added to section 313.230 in the Conference Committee Substitute, which was not present in either **SB 1220** as passed by the Senate or **HS** for **SB 1220** as passed by the House.

Mr. President, these changes to the Conference Committee Substitute are substantive in nature.

First, as passed by the Senate and House, open and closed criminal history information of applicants for employment with the State Lottery Commission, lottery retailers and those seeking to contract with the commission, shall be available to the commission. The Conference Committee Substitute now only allows open criminal history information of such lottery commission applicants, retailers and contractors to be available to the commission.

Second, as also passed by the Senate and the House, the commission is required to submit fingerprints for criminal history checks of such lottery commission applicants, retailers and

contractors. the CCS, by deleting language in subdivision (8) and by adding the new subdivision (9), reverses this requirement for lottery retailers so that the commission is prohibited from conducting fingerprint checks of lottery retailers, unless the commission has a reasonable basis for conducting such fingerprint checks.

Mr. President, these changes to the Conference Committee Substitute that exceed the differences are reflected in a cover memo to the sponsor entitled "RE: CCS to HS/SB 1220-Gaming" dated May 8, 2002 and obtained from the sponsor's office. The memo states that the "**substitute incorporates the contents of the perfected version of SB 1220 regarding background checks for certain persons associated with gaming (including the changes you requested on fingerprint checks)...**" (bold print in the original).

Mr. President, the sponsor of SB 1220 never asked leave of the Senate to allow the Senate conferees to exceed the differences between the Senate and the House, thus my point of order should be well taken.

President Pro Tem Kinder ruled the point of order not well taken.

Senator Gibbons assumed the Chair.

Senator Sims moved that the Conference Committee Report for **HS** for **SB 1220**, as amended, be adopted.

Senator Cauthorn assumed the Chair.

Senator Singleton assumed the Chair.

Senator Loudon moved that the Senate refuse to adopt the Conference Committee Report on **HS** for **SB 1220**, as amended, and request the House grant further conference and that the Senate conferees be bound to the language in **HA 2**.

A quorum was established by the following vote:

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

Absent—Senators

Coleman	Dougherty—2

Absent with leave—Senator DePasco—1

President Maxwell assumed the Chair.

Senator Loudon renewed his motion that the Senate refuse to adopt the Conference Committee Report on **HS** for **SB 1220**, as amended, and request the House to grant further conference and that the Senate conferees be bound to the language in **HA 2**. He requested a roll call vote be taken and was joined in his request by Senators Caskey, Kennedy, Mathewson and Russell.

The substitute motion made by Senator Loudon failed of adoption by the following vote:

YEAS—Senators

Cauthorn	Childers	Foster	Gibbons
Gross	Kinder	Klarich	Loudon
Rohrbach	Russell	Steelman	Westfall
Yeckel—13			

NAYS—Senators

Bentley	Bland	Caskey	Dougherty
Goode	House	Jacob	Johnson
Kennedy	Kenney	Klindt	Mathewson
Quick	Sims	Singleton	Staples
Stoll	Wiggins—18		

Absent—Senators

Coleman	Schneider—2

Absent with leave—Senator DePasco—1

The Conference Committee Report on **HS** for **SB 1220**, as amended, failed of adoption by the following vote:

YEAS—Senators

Bentley	Dougherty	House	Jacob
Kennedy	Kenney	Klindt	Mathewson
Quick	Schneider	Sims	Singleton
Staples	Stoll	Wiggins	Yeckel—16

NAYS—Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Goode
Gross	Johnson	Kinder	Klarich
Loudon	Rohrbach	Russell	Steelman
Westfall—17			

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Singleton moved that the Conference Committee Report on **HCS** for **SCS** for **SB 712**, as amended, be again taken up for adoption, which motion prevailed.

Senator Singleton moved that the Conference Committee Report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bland	Caskey	Childers	Dougherty
Gibbons	Goode	Gross	House
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators

Bentley	Cauthorn	Foster	Loudon—4

Absent—Senators

Coleman	Jacob	Staples—3

Absent with leave—Senator DePasco—1

On motion of Senator Singleton, **CCS** for **HS** for **HCS** for **SCS** for **SB 712**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 712

An Act to repeal sections 44.010, 44.023, 190.500, 306.124, 307.177, 407.472, 473.697, 490.620, 542.400, 542.402, 542.404, 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418, 542.420, 542.422, 570.030, 571.020, 574.105, 574.115, 575.080, 578.008 and 610.021, and to enact in lieu thereof thirty-two new sections relating to terrorism, with penalty provisions and an expiration date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Foster—1

Absent—Senators

Bentley	Klarich	Staples—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Gross moved that **SS** for **SCS** for **SB 840**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 840**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 840

An Act to repeal section 516.097, RSMo, and to enact in lieu thereof one new section relating to statute of repose for certain design professionals.

Was taken up.

Senator Gross moved that **HCS** for **SS** for **SCS** for **SB 840** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Quick	Singleton	Staples—3

Absent with leave—Senator DePasco—1

On motion of Senator Gross, **HCS** for **SS** for **SCS** for **SB 840** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators

Caskey	Schneider—2	

Absent—Senators

Klarich	Quick	Staples—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 1202**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1202

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1202 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1202;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 1202;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1202, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Morris Westfall	/s/ Don Koller
/s/ John T. Russell	/s/ Kate Hollingsworth
/s/ John Cauthorn	/s/ Mark Hampton
/s/ Danny Staples	/s/ Richard Byrd
/s/ Wayne Goode	/s/ Delbert Scott

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Quick	Staples—2

Absent with leave—Senator DePasco—1

On motion of Senator Westfall, **CCS** for **HCS** for **SCS** for **SB 1202**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 1202

An Act to repeal sections 389.005 and 389.610, RSMo, and to enact in lieu thereof five new sections relating to the directives of executive order number 02-03, signed by the governor February 7, 2002, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Gross	Jacob	Mathewson	Quick
Singleton	Staples—6		

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Mathewson	Quick	Staples—3

Absent with leave—Senator DePasco—1

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 675**, entitled:

An Act to repeal sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.613, RSMo, relating to elections, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

With House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendments Nos. 3, 5, House Substitute Amendment No. 1 for House Amendment No. 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 9, 10, 11, 12, 13, 14 and 15.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.074, Page 9, Lines 21-24, by deleting all of said lines and inserting in lieu thereof the following:

"**upgrade or improve the voting process or equipment. Such funding shall be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal department of health and human services or its successor agency. The secretary of state may promulgate rules to**"; and

Further amend said substitute, section 115.076, page 11, lines 12-14, by deleting all of said lines and inserting in lieu thereof the following:

"**Such funding shall be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal department of health and human services or its successor agency. The secretary of state may promulgate rules to**"; and

Further amend said substitute, section 115.098, page 18, lines 2-4, by deleting all of said lines and inserting in lieu thereof the following:

"**dollars per hour. Such funding shall be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal department of health and human services or its successor agency. The secretary of state may**".

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 31, Section 115.157, Line 7, by inserting after the word "a" the following: "**local, state or federal**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.126, Page 22, Line 16, by deleting "**August 31**" and inserting in lieu thereof "**December 31**".

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for

Senate Committee Substitute for Senate Bill No. 675, Page 86, Section 115.493, Line 2, by inserting after all of said line the following:

"115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before [his] **the person's** election, both a registered voter of and a resident of the county and the committee district from which [he] **the person** is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first [class] **classification** containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall**, not later than six months after the decennial census has been reported to the President of the United States,** divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Four members of the committee, two men and two women, shall be elected from each other township outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county [of the first class] with a charter form of government, for the portion of the city located within such county and notwithstanding [the provisions of] section 82.110, RSMo, it shall be the duty of the election authority**, not later than six months after the decennial census has been reported to the President of the United States,** to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census. [Changes of ward or precinct lines shall not affect the terms of office of incumbent party committeemen or committeewomen elected from districts as constituted at the time of their election.]

4. In each county of the first [class] **classification** containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: **Within six months** after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all [first class] counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county

committee persons shall be elected from each township. **Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.**

7. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election."; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.427, Page 73, Line 3, by inserting "**other identification approved by federal law**" immediately after "section".

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.159, Page 33, Line 8, by deleting "**115.247**" and inserting in lieu thereof "**115.427**"; and

Further amend said substitute, Section 115.126, Page 22, Lines 16-19, by deleting the following:

"**Not later than August first of each year thereafter, each election authority shall submit to the secretary of state a plan and funding request to implement the provisions of this section.**".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, by inserting in the appropriate location the following:

"115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote, unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered

to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election**, unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275**. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall present a valid Missouri drivers license or other form of personal identification at the time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote, unless the voter is an intrastate new resident or an interstate new resident, as defined in section 115.275."; and

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

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 65, Section 115.283, Line 6, by inserting after all of said line the following:

"115.284. 1. There is hereby established an absentee voting process to assist persons with permanent disabilities in the exercise of their voting rights.

2. The local election authority shall send an application to participate in the absentee voting process set out in this section to any registered voter residing within the election authority's jurisdiction upon request.

3. Upon receipt of a properly completed application, the election authority shall enter the voter's name on a list of voters qualified to participate as absentee voters pursuant to this section.

4. The application to participate in the absentee voting process shall be in substantially the following form:

State of ..... County (City) of ..... I,..... (print applicant's name), declare that I am a resident and registered voter of ..... County, Missouri, and am permanently disabled. I hereby request that my name be placed on the election authority's list of voters qualified to participate as absentee voters pursuant to section 115.284, and that I be delivered an absentee ballot application for each election in which I am eligible to vote.

.....

Signature of Voter

.....

.....

Voter's Address

5. **Not earlier than six weeks before an election but prior to the fourth Tuesday prior to an election,** [The] **the** election authority shall deliver to each voter qualified to participate as absentee voters pursuant to this section an absentee ballot application [for each election in which] **if** the voter is eligible to vote **in that election**. If the voter returns the absentee request application to the election authority not later than 5:00 p.m. on the Wednesday before an election and has retained the necessary qualifications to vote, the election authority shall provide the voter with an absentee ballot pursuant to this chapter.

6. The election authority shall remove from the list of voters qualified to participate as absentee voters pursuant to this section any voter who:

(1) Asks to be removed from the list;

(2) Dies;

(3) Becomes disqualified from voting pursuant to the provisions of chapter 115; or

(4) No longer resides at the address of his or her voter registration."; and

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

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.427, Page 72, Line 23, by inserting the following after all of said line:

"**(4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter:**"; and

Further amend said section, Page 73, Line 2, by deleting "(5)" and inserting in lieu thereof "**(6)**"; and

Further amend said section, Page 72, Line 24, by deleting "(4)" and inserting in lieu thereof "**(5)**".

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675 by inserting the following in the appropriate location:

"115.755. A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in [March] **February** of each presidential election year."; and

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

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 50, Section 115.277, Line 4, by inserting "**active duty military**" before "federal"; and

Further amend said line by inserting brackets around "federal"; and

Further amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Section 115.277, Page 50, Line 5, by inserting opening and closing brackets ([ ]) around "in any election"; and

Further amend said section, Page 50, Line 6, by deleting all of said line and inserting in lieu thereof the following:

"this state may vote **only** in the election **of presidential and vice presidential electors, United States senator and representative in Congress** even if the person it not".

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, by inserting at the appropriate location the following:

"115.507. 1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast; provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for

each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. **Any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance designate one of the election authorities situated partially or wholly within that home rule city to be the verification board that shall certify the returns of such city submitting a candidate or question at any election and shall notify each verification board within the city of that designation by providing each with a copy of such duly adopted ordinance. Not later than the second Tuesday after any election in any city making such a designation, each verification board within the city shall certify the returns of such city submitting a candidate or question at the election to the election authority so designated by the city to be its verification board, and such election authority shall announce the results of the election and certify the cumulative returns to the city in conformance with subsections 1 and 2 of this section not later than ten days thereafter.**

4. Not later than the second Tuesday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of article V, section 29 of the state constitution, appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place or precinct, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of ..... (City of St. Louis, Kansas City) on the ..... day of ....., ..., ", etc."; and

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

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, by inserting the following in the appropriate location:

"115.365. 1. The nominating committee authorized to select a candidate for nomination or election to office [under the provisions of] **pursuant to** section 115.363 shall be one of the following:

(1) To select a candidate for county office, the nominating committee shall be the county committee of the party;

(2) To select a candidate for state representative, the nominating committee shall be the legislative district committee of the party;

(3) To select a candidate for state senator, the nominating committee shall be the senatorial district committee of the party;

(4) To select a candidate for circuit court judge not subject to the provisions of article V, section 25 of the state constitution, the nominating committee shall be the judicial district committee of the party;

(5) To select a candidate for representative in Congress, the nominating committee shall be the congressional district committee of the party;

(6) To select a candidate for statewide office, the nominating committee shall be the state committee of the party.

2. After any decennial redistricting, the

nominating committee shall be composed from the new districts, and the new district lines shall be used in the selection of a candidate**; provided, however, that members of nominating committees for candidates for special elections to fill vacancies conducted pursuant to section 21.130, RSMo, shall be from the old districts**.

115.367. 1. In the event that the boundaries of a district have been altered, or a new district established for a candidate to be selected by a party committee since the last election in which a party candidate ran for such office, the members of the nominating committee shall be the members of the various nominating committees for that office, as provided in section 115.365 who reside within the altered or new district**; provided, however, that members of nominating committees for candidates for special elections to fill vacancies conducted pursuant to section 21.130, RSMo, shall be from the old districts**. The chairman of the nominating committee shall be the committee chairman of the county which polled the highest vote for the party candidate for governor within the area to be represented at the last gubernatorial election.

2. In the event that a candidate is to be selected by a party committee of a new political party which has not yet elected committeemen and committeewomen in the manner provided by law, the chairman of the nominating committee shall be the provisional chairman of the party for the state, or if the political party is formed for a district or political subdivision less than the state, the chairman of the nominating committee shall be the provisional chairman of the party for such district or political subdivision. The chairman of the nominating committee shall appoint additional members of the nominating committee, not less than four in number.

3. In the event that a candidate is to be selected for nomination or election to an office by a new political party which has elected committeemen and committeewomen in the manner provided for established political parties, the members of the nominating committee shall be the same as provided in section 115.365.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HB 1748**, as amended. Representatives: Ransdall, Relford, Willoughby, Hegeman and Rector.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 856**, entitled:

An Act to repeal sections 72.080 and 72.130, RSMo, and to enact in lieu thereof twenty-three new sections relating to property development.

With House Amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9 and 11.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting in the appropriate location the following:

“**Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey a permanent easement on property owned by the state in the County of Callaway to the City of Fulton. The easement to be conveyed is more particularly described as follows:**

A 20' permanent easement located in the east half of the southwest

quarter and in the northwest quarter of the southeast quarter of Section 16, T47N, R9W of the 5th Principal Meridian, in Fulton, Callaway County, Missouri, more particularly described as follows:

Commencing at the section corner common to Sections 16, 17, 20, 21; Thence S87°22'59"E, along the south line of the southwest quarter of the southwest quarter of Section 16, 1237.50 feet, said point being N87°22'59"W, 82.50 feet from the southwest corner of the southeast quarter of the southwest quarter of said Section 16; Thence N1°41'00"E, along the west line of a unrecorded survey by RLS #1188, dated December, 1979, and a Quitclaim Deed recorded in Book 349, Page 762 of the Callaway County Recorder's Office, Fulton, Missouri, 1033.47 feet to the south right-of-way line of Missouri State Route "O"; Thence S88°55'31"E, along the south right-of-way line of said Missouri State Route "O", 607.20 feet to the P.C. station (18+43.4) of a curve to the left having a radius of 1939.86 feet, a arc length of 13.87 feet, a chord bearing of S89°07'48"E, 13.87 feet; Thence leaving said Missouri State Route "O" right-of-way S2°36'19"W, along an existing fence being the west line of the Missouri State Hospital property as described in said Quitclaim Deed, 795.77 feet to the intersection of the centerline of a 20' permanent easement and POINT OF BEGINNING; Thence along said centerline a curve to the right having a radius of 100.00 feet, a arc length of 89.34 feet, a chord bearing of N61°10'18"E, 86.40 feet; Thence N86°15'05"E, 35.00 feet; Thence along a curve to the left having a radius of 95.00 feet, a arc length of 148.23 feet, a chord bearing of N41°33'04"E, 133.65 feet and the point of reverse curve; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 38.59 feet, a chord bearing of N8°29'14"E, 38.32 feet; Thence N20°07'26"E, 149.70 feet; Thence along a curve to the left having a radius of 200.00 feet, a arc length of 115.02 feet, a chord bearing of N3°38'56"E, 113.44 feet; Thence N12°49'34"W, 155.68 feet; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 90.50 feet, a chord bearing of N14°27'52"E, 87.12 feet; Thence N41°45'18"E, 128.67 feet; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 57.37 feet, a chord bearing of N59°03'23"E, 56.51 feet; Thence N76°21'28"E, 41.89 feet; Thence along a curve to the left having a radius of 35.00 feet, a arc length of 39.72 feet, a chord bearing of N43°50'43"E, 37.62 feet to the south right-of-way line of Missouri State Route "O" at station 22+70.45 AH; Thence entering said Route "O" right-of-way and continuing along said curve to the left, a arc length of 13.41 feet, a chord bearing N0°21'24"E, 13.33 feet; Thence N10°37'11"W, 38.95 feet; Thence along a curve to the right having a radius of 35.00 feet, a arc length of 8.04 feet, a chord bearing of N4°02'02"W, 8.03 feet to the north right-of-way line of Missouri State Route "O" at station 22+74.05 AH.; Thence leaving said Route "O" right-of-way and continuing along said curve to the right, a arc length 35.27

feet, a chord bearing of N31°25'15"E, 33.80 feet; Thence N60°17'24"E, 194.94 feet; Thence along a curve to the right having a radius of 150.00 feet, a arc length of 93.88 feet, a chord bearing of N78°13'09"E, 92.35 feet; Thence S83°51'07"E, 374.88 feet more of less to the west right-of-way line of Wood Street and being 66.20 feet more or less north of the north right-of-way line of Missouri State Route "O" and the end of this easement, containing 0.925 acre, more or less.

Also an additional temporary construction easement 10 feet either side of the 20 foot permanent easement described above.

Except that part lying in the Missouri State Route "O" right-of-way.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting in the appropriate location the following:

"99.805. As used in sections 99.800 to [99.865] **99.873**, unless the context clearly requires otherwise, the following terms shall mean:

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

(2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, 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, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) "High unemployment", unemployment in the census block group or contiguous group of block groups in which the redevelopment project is located of at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of nonmetropolitan counties if the area is not located in a metropolitan statistical area;

(8) "Low fiscal capacity", per capita assessed valuation of property in the municipality of less than sixty percent of the entire county in which it is located, or, in unincorporated areas, when the per capita assessed valuation of property in the school district is less than sixty percent of the entire county in which it is located;

(9) "Moderate income", either a Missouri municipality within a metropolitan statistical area which has a population of at least one thousand five hundred and median household income of under ninety percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under ninety percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition, the definition shall include municipalities not within a metropolitan statistical area, with a median household income of under ninety percent of the

median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a census block group or contiguous group of block groups which has a population of at least one thousand five hundred, and each block group having a median household income of under ninety percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census;

[(7)] **(10)** "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] **(11)** "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] **(12)** "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] **(13)** "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] **(14)** "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

[(12)] **(15)** "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] **(16)** "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] **(17)** "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such

costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(18) "Retail", any establishment possessing a retail sales license and responsible for the collection of sales taxes pursuant to the provisions of section 144.080, RSMo;

(19) "Retail redevelopment project", any development project within a redevelopment area, as defined in this section, where more than thirty-three percent of the total estimated redevelopment project costs are devoted to the construction, reconstruction, or expansion of retail establishments or of privately-owned infrastructure or facilities ancillary to sales at retail;

[(15)] **(20)** "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)] **(21)** "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)] **(22)** "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; [and]

[(18)] **(23)** "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845,

an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision [and]**,** an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

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) 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, RSMo. 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, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(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, RSMo, 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, RSMo, 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, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, 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, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. 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, RSMo, 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 distressed communities pursuant to section 135.530, RSMo,** blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, 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 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;

(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 aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen 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. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

99.866. 1. Except as provided in subsection 2 of this section, sections 99.866 to 99.872 shall apply to any city not within a county, any county with a charter form of government and with more than one million inhabitants, any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, any county of the first classification without a charter form of government and with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but less than thirty-nine thousand inhabitants, any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand eight hundred but less than seventeen thousand nine hundred inhabitants.

2. Any redevelopment project consisting solely of public infrastructure improvements on public land requiring two million dollars or less in tax increment financing, wherein the bonds for such project will be paid off in seven years or less, shall be exempt from the provisions of sections 99.866 to 99.872. However, no "stringing" of projects shall be allowed. No exempt project pursuant to this section shall be combined with another exempt project pursuant to this section for a period of five years.

3. Any redevelopment project for which eligible project redevelopment costs are to be paid from that portion of the total economic activity taxes and payments in lieu of taxes imposed by the municipality only, and real or

potential revenues from no other taxing jurisdictions are involved, are exempt from the provisions of sections 99.866 to 99.872.

99.867. 1. The municipality and any proposed redevelopment area shall meet the requirements of section 99.810 and this section. In addition, if the proposed redevelopment project is a retail redevelopment project, it must be in a redevelopment area where:

(1) The host municipality or, for unincorporated areas, the host school district has low fiscal capacity; or

(2) The census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area have high unemployment; or

(3) The municipality, census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area are characterized by moderate income.

2. Tax increment financing shall not be used for more than thirty percent of the total estimated redevelopment costs of a project unless the redevelopment is in a municipality, census block group or group of block groups with a median household income less than seventy percent of that of the metropolitan area, a distressed community as defined in section 135.530, RSMo, a federal enterprise zone or a federal empowerment zone. Tax increment financing shall not be used to develop sites in which twenty-five percent or more of the area is vacant and has not previously been developed or qualifies as "open space" pursuant to section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes.

3. If the majority of the proposed redevelopment project is located in an area meeting the requirements of low fiscal capacity, high unemployment, and moderate income set forth in this section, and if such conditions are documented in an area which is contiguous to but outside of the qualifying area, and is smaller than a census block group, the contiguous area shall be added to the qualifying area.

99.870. Commencing with the first fiscal year in which any municipality receives any payments in lieu of taxes from a redevelopment project and continuing through the last fiscal year in which the municipality receives such payments, the municipality shall pay to any other taxing entities entitled to receive revenue from levies on real property in such municipality, an amount equal to twenty-five percent of the payments in lieu of taxes received by the municipality. This amount shall be divided among the other affected taxing entities on a basis that is proportional to the collections of revenue from real property in the development area to which each such taxing district is entitled during that tax year.

99.871. In addition to the requirements which may apply pursuant to section 99.810, no redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision, an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met, and a study stating that records were reviewed, inspections were made, comparisons were made, or tasks undertaken demonstrating that the property has not been developed through private enterprise over a period of time. Such a study should be signed by

a responsible party in the local jurisdiction who is designated as being responsible for the study's representations. The study shall be of sufficient specificity to allow representatives of the tax increment financing commission or the municipality, or both, to conduct investigations deemed necessary in order to confirm its findings;

(2) An economic feasibility analysis including a pro forma financial statement indicating a return on investment that may be expected without public assistance. The financial statement shall detail any assumptions made, a pro forma statement analysis demonstrating the amount of assistance required to bring the return into a range deemed attractive to private investors, which amount shall be equal to the estimated reimbursable project costs.

99.872. The municipality and the developer shall annually submit information to the department regarding an approved plan for as long as the plan is in effect. The department shall establish reporting requirements by rule promulgated pursuant to chapter 536, RSMo. The department shall submit a report to the governor and the general assembly by December thirty-first of each year. The report shall, at a minimum, identify the number and location of redevelopment areas, quantify public investment in each, and assess the public benefit derived from the redevelopment project.

99.873. Any district in any city not within a county, any county with a charter form of government and with more than one million inhabitants, any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, any county of the first classification without a charter form of government and with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but less than thirty-nine thousand inhabitants, any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand eight hundred but less than seventeen thousand nine hundred inhabitants, providing emergency services pursuant to chapter 190 or 321, RSMo, shall be entitled to reimbursement from the special allocation fund for direct costs. However, such reimbursement shall not be less than twenty-five percent nor more than one hundred percent of the district's tax increment.

99.874. The provisions of this act shall apply to all redevelopment projects which are approved by a municipality after the effective date of this act."; and

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

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, Section 99.866, by inserting at the end of said section, the following:

"**4. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and**

which is located in or partly within a county with a charter form of government with greater than two hundred eighty thousand inhabitants but with fewer than two hundred eighty-five thousand inhabitants but fewer than two hundred eighty-five thousand inhabitants."; and

Further amend said page, by inserting after all of said line the following:

"**5. This section shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects (including redevelopment project costs) by not more than forty percent of such project original projected cost (including redevelopment project costs) as such projects (including redevelopment project costs) existed as of June 30, 2003. And shall allow the aforementioned tax increment financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003.**"; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting at the appropriate location the following:

"**Section 1. Upon any sale of real property for taxes owed, a not-for-profit federally recognized community housing development organization will have three days to match the sales price offered to the county and become the owner of record.**"; and

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting the following in the appropriate location:

"**Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the Battle of Athens State Historic Site to the Robert F. French Trust. The property to be conveyed is more particularly described as follows:**

All that part of the Southwest quarter of section nineteen in Township sixty seven North, Range seven West described in instrument recorded at microfilm drawer 3M card 2156 of the Clark county records being WEST of the following described line. Beginning at the Southeast corner of a tract of land described in instrument recorded at microfilm drawer 9M card 926 of the Clark County records and shown on survey dated February 05, 1999 recorded with the Department of Natural Resources as Document number 750-26794, thence along the south boundary of section nineteen North 87 degrees 03' 25" West 8.0 feet to a fence and the true point of beginning, thence along said fence North 3 degrees 00' 33" East 1139.6 feet, thence North 4 degrees 38' 44" East 956.9 feet to a corner fence post, thence continue North 4 degrees 38' 44" East on a projection of the fence to the low water mark of the Des Moines River.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from the Robert F. French Trust. The property to be conveyed to the department is more particularly described as follows:

All that part of the Southwest quarter of section nineteen in

Township sixty seven North, Range seven West described in instrument recorded at microfilm drawer 3M card 2156 of the Clark county records being EAST of the following described line. Beginning at the Southeast corner of a tract of land described in instrument recorded at microfilm drawer 9M card 926 of the Clark County records and shown on survey dated February 05, 1999 recorded with the Department of Natural Resources as Document number 750-26794, thence along the south boundary of section nineteen North 87 degrees 03' 25" West 8.0 feet to a fence and the true point of beginning, thence along said fence North 3 degrees 00'33" East 1139.6 feet, thence North 4 degrees 38' 44" East 956.9 feet to a corner fence post, thence continue North 4 degrees 38' 44" East on a projection of the fence to the low water mark of the Des Moines River.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at Cuivre River State Park to Steve and Ellen Piacentini, husband and wife. The property to be conveyed is more particularly described as follows:

Part of lands located in the County of Lincoln and the State of Missouri, lying in part of the southwest quarter of Section 16 and part of the northwest quarter of Section 21, Township 49 North, Range 1 East of the Fifth Principal Meridian, being all that part north and east of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-65596 and located per survey filed as document # 750-26854 in the records of the Missouri Department of Natural Resources, marking the southeast corner of the northeast quarter of the northwest quarter of said Section 21; thence along the east line of said northeast quarter of the northwest quarter of Section 21, north 00 degrees 51 minutes 55 seconds east, a distance of 890.80 feet to a set 5/8 inch rebar, the TRUE POINT OF BEGINNING of the herein described courses; thence departing said east line north 89 degrees 08 minutes 05 seconds west, a distance of 45.00 feet to a set 5/8 inch rebar, from which a found 3/8 inch rebar bears south 89 degrees 08 minutes 05 seconds east, a distance of 18.1 feet; thence north 00 degrees 51 minutes 55 seconds east, a distance of 489.20 feet to a set 5/8 inch rebar, from which a standard aluminum monument, described in MoDNR document # 600-65595 and located per said survey filed as document # 750-26854, bears south 89 degrees 05 minutes 55 seconds east, a distance of 45.00 feet and a found ½ inch rebar with orange plastic cap marked "RLS 1851" bears south 79 degrees 19 minutes 30 seconds east, a distance of 16.1 feet; thence north 89 degrees 05 minutes 55 seconds west, a distance of 155.40 feet to a set 5/8 inch rebar; thence north 00 degrees 54 minutes 05 seconds east, a distance of 53.80 feet to a set 5/8 inch rebar; thence north 89 degrees 05 minutes 55 seconds west, a distance of 409.29 feet to the east line of a tract of land conveyed to Loyd E.

Groshong by instrument recorded in Deed Book 220 at page 575 of the Lincoln County land records, marked by a set 5/8 inch rebar, from which a found 1 1/4 inch solid round rod bears north 00 degrees 34 minutes 30 seconds east, a distance of 253.60 feet; thence along the east line of said Groshong tract, south 00 degrees 34 minutes 30 seconds west, a distance of 53.80 feet to the section line between said Sections 16 and 21, marked by a set 5/8 inch rebar, the point of termination of the herein described courses, from which a found 7/8 inch O.D. iron pipe bears south 00 degrees 34 minutes 30 seconds west, a distance of 7.55 feet and a 5/8 inch rebar with aluminum cap, described in MoDNR document # 600-65594 and located per said survey filed as document # 750-26854, bears north 89 degrees 05 minutes 55 seconds west, a distance of 710.45 feet.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from Steve and Ellen Piacentini. The property to be conveyed to the department is more particularly described as follows:

Part of lands located in the County of Lincoln and the State of Missouri, lying in part of the southwest quarter of Section 16 and part of the northwest quarter of Section 21, Township 49 North, Range 1 East of the Fifth Principal Meridian, being all that part south and west of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-65596 and located per survey filed as document # 750-26854 in the records of the Missouri Department of Natural Resources, marking the southeast corner of the northeast quarter of the northwest quarter of said Section 21; thence along the east line of said northeast quarter of the northwest quarter of Section 21, north 00 degrees 51 minutes 55 seconds east, a distance of 890.80 feet to a set 5/8 inch rebar, the TRUE POINT OF BEGINNING of the herein described courses; thence departing said east line north 89 degrees 08 minutes 05 seconds west, a distance of 45.00 feet to a set 5/8 inch rebar, from which a found 3/8 inch rebar bears south 89 degrees 08 minutes 05 seconds east, a distance of 18.1 feet; thence north 00 degrees 51 minutes 55 seconds east, a distance of 489.20 feet to a set 5/8 inch rebar , from which a standard aluminum monument, described in MoDNR document # 600-65595 and located per said survey filed as document # 750-26854, bears south 89 degrees 05 minutes 55 seconds east, a distance of 45.00 feet and a found ½ inch rebar with orange plastic cap marked "RLS 1851" bears south 79 degrees 19 minutes 30 seconds east, a distance of 16.1 feet; thence north 89 degrees 05 minutes 55 seconds west, a distance of 155.40 feet to a set 5/8 inch rebar; thence north 00 degrees 54 minutes 05 seconds east, a distance of 53.80 feet to a set 5/8 inch rebar; thence north 89 degrees 05 minutes 55 seconds west, a distance of 409.29 feet to the east line of a tract of land conveyed to Loyd E. Groshong by instrument recorded in Deed Book 220 at page 575 of the Lincoln County land records, marked by a set 5/8 inch rebar, from which a

found 1 1/4 inch solid round rod bears north 00 degrees 34 minutes 30 seconds east, a distance of 253.60 feet; thence along the east line of said Groshong tract, south 00 degrees 34 minutes 30 seconds west, a distance of 53.80 feet to the section line between said Sections 16 and 21, marked by a set 5/8 inch rebar, the point of termination of the herein described courses, from which a found 7/8 inch O.D. iron pipe bears south 00 degrees 34 minutes 30 seconds west, a distance of 7.55 feet and a 5/8 inch rebar with aluminum cap, described in MoDNR document # 600-65594 and located per said survey filed as document # 750-26854, bears north 89 degrees 05 minutes 55 seconds west, a distance of 710.45 feet.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at Washington State Park to Rachel DeClue and Patricia Westoff. The property to be conveyed is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part enclosed by the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey filed as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29; thence north 88 degrees 06 minutes 30 seconds west, a distance of 807.05 feet to a found 1 inch round rod (as called for in Deed Book 125 at page 61 of the land records of Washington County), lying within the right-of-way of Missouri Route 21; thence north 39 degrees 15 minutes 30 seconds west, a distance of 711.15 feet to a found 3/4 inch smooth round rod (as called for in Deed Book 125 at page 202 of said land records); thence north 80 degrees 28 minutes 30 seconds east, a distance of 7.0 feet to the easterly right-of-way of said Route 21, marked by a set 5/8 inch rebar, being the TRUE POINT OF BEGINNING of the herein described courses; thence continuing north 80 degrees 28 minutes 30 seconds east, a distance of 413.00 feet to a set 5/8 inch rebar; thence south 14 degrees 20 minutes 00 seconds east, a distance of295.15 feet to a set 5/8 inch rebar; thence south 87 degrees 00 minutes 00 seconds west, a distance of 290.00 feet to said easterly right-of-way, from which a found t-post bears south 87 degrees 00 minutes 00 seconds west, a distance of 7.7 feet; thence northwesterly along said easterly right-of-way to the true point of beginning.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from Rachel Declue and Patricia Westoff. The property to be conveyed to the department is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29,

Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part north and east of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey filed as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29 and being the TRUE POINT OF BEGINNING of the herein described courses; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence north 14 degrees 20 minutes 00 seconds west, a distance of295.15 feet to a set 5/8 inch rebar; thence south 80 degrees 28 minutes 30 seconds west, a distance of413.00 feet to the easterly right-of-way of Missouri Route 21, marked by a set 5/8 inch rebar , said rebar being the point of termination, from which a found 3/4 inch smooth round rod (as called for in Deed Book 125 at page 202 of the land records of Washington County) bears south 80 degrees 28 minutes 30 seconds west, a distance of 7.0 feet and a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906, bears north 39 degrees 20 minutes 00 seconds west, a distance of 110.90 feet.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at Washington State Park to Oscar and Margaret Rulo. The property to be conveyed is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part south and west of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey filed as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906, being the TRUE POINT OF BEGINNING of the herein described courses; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence south 87 degrees 00 minutes 00 seconds west, a distance of 290.00 feet to the point of termination at the easterly right-of-way of Missouri Route 21, from which a found t-post

bears south 87 degrees 00 minutes 00 seconds west, a distance of 7.7 feet.

2. In consideration for the conveyance in subsection 1 of this section, the Missouri department of natural resources is hereby authorized to receive via quitclaim deed property from Oscar and Margaret Rulo. The property to be conveyed to the department is more particularly described as follows:

Part of lands located in the County of Washington and the State of Missouri, lying in the west half of the northeast quarter of Section 29, Township 39 North, Range 3 East of the Fifth Principal Meridian, being all that part north and east of the following described courses:

Commencing at a standard aluminum monument, described in MoDNR document # 600-66813 and located per survey tiled as document # 750-26906 in the records of the Missouri Department of Natural Resources, marking the southeast corner of said west half of the northeast quarter of Section 29 and being the TRUE POINT OF BEGINNING of the herein described courses; thence south 87 degrees 37 minutes 35 seconds west, a distance of 123.69 feet to a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906; thence north 47 degrees 49 minutes 00 seconds west, a distance of 508.45 feet to a set 5/8 inch rebar; thence north 84 degrees 46 minutes 30 seconds west, a distance of 270.10 feet to a set 5/8 inch rebar; thence north 14 degrees 20 minutes 00 seconds west, a distance of 295.15 feet to a set 5/8 inch rebar; thence south 80 degrees 28 minutes 30 seconds west, a distance of 413.00 feet to the easterly right-of-way of Missouri Route 21, marked by a set 5/8 inch rebar, said rebar being the point of termination, from which a found 3/4 inch smooth round rod (as called for in Deed Book 125 at page 202 of the land records of Washington County) bears south 80 degrees 28 minutes 30 seconds west, a distance of 7.0 feet and a found ½ inch rebar with yellow plastic cap marked "ELGIN PS 1682", per said document # 750-26906, bears north 39 degrees 20 minutes 00 seconds west, a distance of 110.90 feet.

3. The attorney general shall approve the form of the instrument of conveyance.

Section 5. 1. The director of the department of natural resources is hereby authorized and empowered to grant and convey certain land in Jefferson County described as follows:

Parcel 11: Part of a larger tract of 42.26 acres located and being all that part of the South one-half of the northeast quarter of Section 20, Township 43 North, Range 5 East, in Jefferson County, Missouri and described as follows: Beginning at an iron pipe in the South line of the Northeast Quarter of said Section 20, being South 88 degrees 25 minutes East, distance 507.41 feet from the center of said Section 20; thence leaving the said South line of said Northeast Quarter of said Section 20, North 30 minutes East 159.11 feet to an iron pipe; thence North 88 degrees 25 minutes East 588.47 feet to a point in the center-line of a branch from which an iron pipe bears South 88 degrees 25 minutes West, distance 146.66 feet; thence along the said center-line of said branch South 27 degrees 02 minutes West 181.29 feet to

South 88 degrees 25 minutes West, distance 65.60 feet; thence leaving the said center-line of said branch and along the South line of said Northeast Quarter of said Section 20 South 88 degrees 25 minutes West 507.41 feet to the point of beginning, containing two (2) acres.

Also an easement 20 feet wide lying East of and South of the following described line: Beginning at a point located in the North line of the above described tract said point being South 88 degrees 25 minutes West 75 feet more or less from the Northeast corner; thence North 28 degrees 48 minutes East 760 feet, more or less to a point; thence South 49 degrees 45 minutes East to the West right-of-way line of Romain Creek County Road.

2. Tammy L. Edwards shall have the right of first refusal to purchase the property described in subsection 1 of this section based on the fair market value of the property as determined by an appraiser contracted with by the department of natural resources. In the event that Tammy L. Edwards is unable or unwilling to purchase the property for the price determined by the department of natural resources, the department of natural resources shall then sell the property at a public auction under such terms and conditions as the department shall set.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 856 by inserting the following section in the appropriate location:

"**Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in the County of Cole to the General Services Administration or to the Missouri Development Finance Board. The property to be conveyed is more particularly described as follows:**

All of outlots nos. 46, 47 & 49 of the City of Jefferson, Cole County, Missouri, except that part of the aforesaid outlot no. 47 that lies within the public right-of-ways (by use) of the streets currently known as Riverside Drive and Capital Avene Extension.

2. Consideration for the conveyance shall be the transfer of property of like value to the state of Missouri.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, Page 42, Section 135.259, Line 22, by inserting after said line all of the following:

"**Section B. None of the funds appropriated pursuant to section A of this act shall be used for casinos or casino-related purposes.**"; and

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

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting at the appropriate location the following:

"**Section 1. 1. As used in this section the following terms shall mean:**

(1) "Biodiesel", fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) "Qualified biodiesel producer", a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and at least fifty-one percent is owned by agricultural producers actively engaged in agricultural production for commercial purposes.

2. The "Missouri Qualified Biodiesel Producer Incentive Fund" is hereby created and subject to appropriations with funds, other than general revenue funds, shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, for the succeeding calendar month as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of fifteen gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the first day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified biodiesel producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;

(3) The number of bushel equivalents of Missouri agricultural commodities used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;

(5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and

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

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Bill No. 856, by inserting at the appropriate location the following:

"**67.1442. Upon the written request of any real property owner within a city having a population of at least one hundred forty-nine thousand, located in a county of the first classification without a charter form of government and with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, the governing body of the municipality may hold a public hearing for the removal of real property from such district or moved from one zone designation of the district to another zone designation of the district and such real property may be removed from such district or moved from one zone designation of a district to another zone designation of the same district, provided that:**

(1) The board consents to the removal of such property;

(2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed from the district or moved from one zone designation of the district to another zone designation of the same district; and

(3) The public hearing is conducted in the same manner as required by section 67.1431 with notice of the hearing given in the same manner as required by section 67.1431 and such notice shall include:

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

(b) The name of the district;

(c) The boundaries by street location, or other readily identifiable means if no street location exists of the real property proposed to be removed from the district or moved from one zone of designation of the district to another zone of designation of the same district, and a map illustrating the boundaries of the existing district and the real property proposed to be removed; and

(d) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

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

by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

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

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

(4) Any city with a population of at least one hundred fifty thousand inhabitants that is located in a county of the first classification without a charter form of government with a population of more than two hundred forty thousand which includes an existing state designated enterprise zone within the corporate limits of the city may, upon approval of the local governing authority of the city and the director of the department of economic development, designate one satellite zone within its corporate limits which shall be on land owned by the city which contains a wastewater treatment plant with a treatment capacity of five million six hundred thousand cubic feet per day and an electric power plant having a capacity of at least two hundred seventy-five megawatts. A prerequisite for the designation of the satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

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

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

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

(3) The resident population of the existing state designated enterprise zone and its satellite zones must be at least four thousand but not more

than seventy-two thousand at the time of designation;

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

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

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

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended: Senators Westfall, Foster, Sims, Caskey and Stoll.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1906**, with **SCS**, entitled:

An Act to repeal section 33.571, RSMo, and to enact in lieu thereof two new sections relating to state funds, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Kenney.

SCS for **HS** for **HCS** for **HB 1906**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1906

An Act to repeal section 33.571, RSMo, and to enact in lieu thereof three new sections relating to state funds, with an emergency clause for certain sections.

Was taken up.

Senator Kenney moved that **SCS** for **HS** for **HCS** for **HB 1906** be adopted.

Senator Kenney offered **SS** for **SCS** for **HS** for **HCS** for **HB 1906**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1906

An Act to repeal section 33.571, RSMo, and to enact in lieu thereof five new sections relating to state funds, with an emergency clause for certain sections, with penalty provisions and an expiration date for certain sections.

Senator Kenney moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1906** be adopted.

Senator Caskey raised the point of order that **SCS** and **SS** for **SCS** are out of order as they go beyond the scope and purpose of the original bill on pages 3-10.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SS for **SCS** for **HS** for **HCS** for **HB 1906** was again taken up, which motion prevailed.

At the request of Senator Kenney, **HS** for **HCS** for **HB 1906**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Childers, Chairman of the Committee on Local Government and Economic Development, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1634**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HB 1717**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HB 1868**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Kenney, the Senate recessed until 6:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1508** and has taken up and passed **SCS** for **HB 1508**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 2120** and has taken up and passed **CCS** for **SCS** for **HB 2120**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SB 795** and has taken up and passed **CCS No. 2** for **HCS** for **SB 795**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 1898** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 680**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS**

for **SCS** for **SBs 670** and **684**, entitled:

An Act to repeal sections 191.900, 191.910, 197.310, 197.317, 197.318, 197.340, 197.367, 197.455, 198.012, 198.022, 198.026, 198.029, 198.032, 198.036, 198.039, 198.067, 198.070, 198.073, 198.080, 198.082, 198.085, 198.088, 198.093, 198.115, 198.525, 198.526, 198.531, 565.186, 565.188, 630.140, 630.167, 660.250, 660.260, 660.263, 660.270 and 660.300, RSMo, and to enact in lieu thereof fifty-four new sections relating to protection of the elderly, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 8, Section 191.910, Line 7 of said page, by inserting after all of said line the following:

"197.305. As used in sections 197.300 to 197.366, the following terms mean:

(1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;

(2) "Agency", the certificate of need program of the Missouri department of health and senior services;

(3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;

(5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) "Expenditure minimum" shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, [2003] **2008**, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection 7 of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the

Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(10) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(11) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(12) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(13) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need."; and

Further amend said bill, Page 10, Section 197.317, Line 23 of said page, by deleting the number "**2007**" and inserting in lieu thereof the number "**2008**"; and

Further amend said bill, Page 11, Section 197.317, Line 5 of said page, by deleting the phrase "[January 1, 2004] **July 1, 2007**" and inserting in lieu thereof the following: "January 2, [2004]

2009"; and

Further amend said bill, Page 12, Section 197.318, Line 14 of said page, by deleting the number "**2007**" and inserting in lieu thereof the number "**2008**"; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 & 684, Section 630.167, Page 87, Line 14, by inserting after said line, all of the following:

"**630.900. 1. The director of the department of mental health, in collaboration with the departments of social services, health and senior services, elementary and secondary education, higher education, and corrections, shall design, coordinate, and implement a state suicide prevention plan using an evidence-based public health approach focused on suicide prevention.**

2. The director shall:

(1) Promote the use of employee assistance and workplace programs to support employees with depression and other psychiatric illnesses and substance abuse disorders, and refer them to services. In promoting such programs, the director shall collaborate with employer and professional associations, unions, and safety councils;

(2) Promote the use of student assistance and educational programs to support students with depression and other psychiatric illnesses and substance abuse disorders. In promoting such programs, the director shall collaborate with educators, administrators, students and parents with emphasis on identification of the risk factors associated with suicide;

(3) Provide training and technical assistance to local public health and other community-based professionals to provide for integrated implementation of best practices for preventing suicides;

(4) Coordinate with federal, state, and local agencies to collect, analyze, and annually issue a public report on Missouri-specific data on suicide and suicidal behaviors; and

(5) Conduct periodic evaluations of the impact and outcomes from implementation of the state's suicide prevention plan and each of the activities specified in this section. By July 1, 2004, and each July first of even-numbered years thereafter, the director shall report the results of such evaluations to the chairs of the senate aging, families, and mental health committee and the house children, families, and health committee."; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 8, Section 191.910, Line 7, by inserting after said line the following:

"197.305. As used in sections 197.300 to [197.366] **197.367**, the following terms mean:

(1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new **institutional** health [care] service is to be developed;

(2) "Agency", the certificate of need program of the Missouri department of health **and senior services**;

(3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to [197.366] **197.367**;

(5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) "Expenditure minimum" shall mean:

(a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection 7 of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health care facilities", [hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals] **long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR Section 412.23(e)**, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, [kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities,] but excluding [the private offices of physicians, dentists and other practitioners of the healing arts, and] Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of **new institutional** health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(10) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility[, or major medical

equipment costing in excess of the expenditure minimum];

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(h) A reallocation of hospital beds to long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, by more than ten beds or ten percent of total licensed bed capacity of the hospital, whichever is less, over a two-year period;

(11) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new **institutional** health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(12) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(13) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

197.310. 1. The "Missouri Health Facilities Review Committee" is hereby established. [The agency shall provide clerical and administrative support to the committee. The committee may employ additional staff as it deems necessary.] **The department of health and senior services shall hire and administratively supervise the clerical and administrative support to the committee.**

2. The committee shall be composed of:

(1) Two members of the senate appointed by the president pro tem, who shall be from different political parties; and

(2) Two members of the house of representatives appointed by the speaker, who shall be from different political parties; and

(3) Five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be from the same political party.

3. No business of this committee shall be performed without a majority of the full body.

4. The members shall be appointed as soon as possible after September 28, 1979. One of the senate members, one of the house members and three of the members appointed by the governor shall serve until January 1, 1981, and the remaining members shall serve until January 1, 1982. All subsequent members shall be appointed in the manner provided in subsection 2 of this section and shall serve terms of two years.

5. The committee shall elect a chairman at its

first meeting which shall be called by the governor. The committee shall meet upon the call of the chairman or the governor.

6. The committee shall review and approve or disapprove all applications for a certificate of need made under sections 197.300 to [197.366] **197.367**. It shall issue reasonable rules and regulations governing the submission, review and disposition of applications.

7. Members of the committee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

8. No member of the Missouri health facilities review committee may accept a political donation from any applicant who applies for a certificate of need or review certification for a period of one year after the granting of the certificate of need or review certification or six months prior to requesting a certificate of need or review certification. If a member accepts a donation six months prior to the request for a certificate of need or review certification, it must be returned within ten business days of the filing request made by the applicant.

9. Notwithstanding the provisions of subsection 4 of section 610.025, RSMo, the proceedings and records of the facilities review committee shall be subject to the provisions of chapter 610, RSMo.

197.315. 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to [197.366] **197.367**, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to [197.366] **197.367**.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six

additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to **the department of health and senior services for expenditures related to the operation of** the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health **care** facility in its entirety.

15. A certificate of need may be granted to a **health care** facility for an expansion, an addition of services, a new institutional **health** service[, or for a new hospital facility] which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to **health care** facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge.

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the mentally retarded.

[18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility.]

197.317. 1. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) [and]**,** (g) **and (h)** of subdivision (10) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the

reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1, 2003, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to January 1, 2004. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

2. The health facilities review committee shall utilize demographic data from the office of social and economic data analysis, or its successor organization, at the University of Missouri as their source of information in considering applications for new institutional long-term care facilities.

197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification.

197.326. 1. Any [person] **individual** who is paid either as part of his normal employment or as a lobbyist to support or oppose any project before the health facilities review committee shall register as a lobbyist pursuant to chapter 105, RSMo, and shall also register with the staff of the health facilities review committee for every project in which such person has an interest and indicate whether such person supports or opposes the named project. The registration shall also include the names and addresses of any person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478, RSMo.

2. A member of the general assembly who also serves as a member of the health facilities review committee is prohibited from soliciting or accepting campaign contributions from any applicant or person speaking for an applicant or any opponent to any application or persons speaking for any opponent while such application is pending before the health facilities review committee.

3. Any [person regulated by chapter 197 or 198, RSMo,] **individual who registers pursuant to subsection 1 of this section, any applicant,** and any officer, attorney, agent and employee [thereof] **of such individual or applicant**, shall not offer to any committee member or to any person employed as staff to the committee, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind or any campaign contribution while such application is pending before the health facilities review committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class D felony.

197.375. As used in sections 197.375 to 197.397, the following terms mean:

(1) "Acute care facilities", hospitals, diagnostic imaging centers, radiation therapy centers, ambulatory surgical facilities, short stay specialty units, or facilities designed to house first-time services whether they are in a specific fixed location or a mobile unit;

(2) "Affected person", the person proposing the development of a new institutional acute care service, the public to be served, and acute care facilities within the service area in which the proposed new institutional acute care services is to be developed;

(3) "Ambulatory surgical center", any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths, and which does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo;

[(3)] **(4) "Anesthesia and sedation", the administration to an individual, for any purpose, by any route, moderate or deep sedation as well as general, spinal, or other major regional anesthesia. Anesthesia and sedation does not include local anesthesia;**

[(4)] **(5) "Committee", the Missouri health facilities review committee established in section 197.310;**

[(5)] **(6) "Commonly controlled", the acute care facility transferring the licensed beds and the acute care facility receiving the beds as part of the same control group of entities defined in Section 414(b) and (c) of the Internal Revenue Code, as in effect from time to time; however, a not-for-profit entity will be commonly controlled if the transferring acute care facility is the sole corporate member of the acute care facility receiving the transfer, or the acute care facility receiving the transfer is the sole corporate member of the acute care facility transferring the beds, or both the transferring and receiving acute care facilities having the same entity as their sole corporate member, and in all cases, the sole corporate member shall retain sufficient reserve powers to be able to significantly influence the actions and policies of the acute care facilities;**

[(6)] **(7) "Cost", an expenditure by or on behalf of an acute care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, except [for] costs to lease property, buildings, or equipment necessary to establish a first-time service or a new institutional acute care service shall be included in the total project cost and any sales tax paid in the process of establishing such first-time service or new institutional acute care service shall be excluded from total project cost;**

[(7)] **(8) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional acute care service or a first-time service, or the incurring of a financial obligation in relation to the offering of such a service;**

[(8)] **(9) "Expedited projects", those projects in which:**

(a) The person seeking review certification is operating an acute care facility and proposes to develop a new institutional acute care service or first-time service for such facility if the proposed new institutional acute care service or first-time service is a service already being offered in an acute care facility in a contiguous state that does not have certificate of need laws that regulate the service already being offered by the acute care facility in the contiguous state; and

(b) The acute care facility proposing the

new institutional acute care service or first-time service is located in a metropolitan statistical area within one hundred miles of the contiguous state in which the acute care facility in which the proposed service already being offered is located;

[(9)] **(10) "Filed" or "filing", delivery to the staff of the committee the document or documents an applicant believes constitutes an application and the appropriate application fee;**

[(10)] **(11) "First-time services", ambulatory surgical center whose equipment and property cost is more than 1.5 million dollars; and**

the following regardless of cost, that are proposed in a specific location, including an ambulatory surgical center or a mobile unit:

(a) Magnetic resonance imaging (MRI), positron emission tomography (PET), and linear acceleration (radiation therapy);

(b) Open-heart surgery;

(c) Cardiac catheterization labs;

(d) Lithotripsy units;

(e) Gamma knife;

(f) Gastrointestinal laboratories and endoscopy laboratories, and any other facility, other than a hospital or ambulatory surgical center, where anesthesia and sedation occur;

(g) Compute[d]r tomography technology; or

(h) Other emerging medical equipment and related facilities that when their functionally related components are taken together, the cost exceeds three million dollars;

(11) "Maximum permissible distance":

(a) For an acute care facility located within a metropolitan statistical area, within one mile of the acute care facility's boundary wholly measured within the same county where the existing acute care facility is located;

(b) For an acute care facility located outside a metropolitan statistical area, within five miles of the acute care facility's boundary wholly measured within the same county where the existing acute care facility is located;

(12) "Metropolitan statistical area", as defined by the United States Office of Management and Budget according to standards published in the federal register on March 30, 1990, and as subsequently revised and applied to census bureau data;

(13) "New institutional acute care service":

(a) The development of a new acute care facility without regard to financing methodologies;

(b) The acquisition or development, without regard to financing methodologies, of any first-time service;

(c) Any change in a licensed bed capacity of an acute care service facility that increases the total number of beds by more than ten beds or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(d) A reallocation by an existing hospital of more than fifty licensed beds or more than fifty percent of total licensed bed capacity of the receiving hospital, whichever is less over the lifetime of the license, between two substantially similar hospitals that are related parties or commonly controlled. The total licensed bed capacity of the receiving hospital shall be calculated as of August 28, 2002, or for a hospital licensed after August 28, 2002, the initial date of licensure;

(e) Renovation of an acute care facility in a current location whose cost is over twenty million dollars;

(14) "Nonsubtantive projects", projects that are due to an act of God and do not involve the addition, replacement, modernization, or conversion of beds or the provision of a new institutional acute care service or first-time service, but whose costs would otherwise be reviewable;

(15) "Notification projects":

(a) Emerging medical equipment and related facilities that when their functionally related components are taken together the cost is less than three million dollars;

(b) A reallocation by an existing hospital of fifty or fewer licensed beds or fifty percent or less of total licensed bed capacity of the receiving hospital, whichever is less over the lifetime of the license, between two substantially similar hospitals that are related parties or are commonly controlled;

(c) Renovation of an acute care facility in a current location whose cost is less than twenty million dollars; except that, if the renovation is less than three million dollars, no notification is required;

(d) Nonsubstantive projects;

(e) Projects pursuant to subsection 1 or 2 of section [197.387] 197.384;

(f) Any project pursuant to section 197.390;

(16) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(17) "Related parties", those acute care facilities, regardless of incorporation, which are controlled by, under the control of, or commonly controlled with the acute care facility transferring the licensed beds and the acute care facility receiving the beds;

(18) "Review certification", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project described in sections 197.375 to 197.397 sufficiently satisfies the criteria prescribed for such projects by sections 197.375 to 197.397.

197.378. The health facilities review committee for projects described in sections 197.375 to 197.397 shall:

(1) Review and approve or disapprove all applications for a review certification made pursuant to sections 197.375 to 197.397. The committee shall issue reasonable rules governing the submission, review, and disposition of applications;

(2) Notify the applicant within fifteen days of the date of filing of an application as to the completeness of such application as defined by rule;

(3) Provide written notification to affected persons located within this state at the beginning of a review. The notification may be given through publication of the review schedule in all newspapers of general circulation in the area to be served;

(4) Hold public hearings on all applications when a request in writing is filed by any affected person within thirty days from the date of publication of the notification of review;

(5) Within one hundred days of the filing of any application, issue in writing its findings of fact, conclusions of law, and its approval or denial of the review certification; provided that the committee may grant an extension of not more than thirty days on its own initiative or upon the written request of any affected person. For any expedited project, the health facilities review committee shall, within forty-five days of the filing of any application for an expedited project, issue in writing its findings of fact, conclusions of law, and its approval or denial of the review certification; provided that the committee may grant an extension of not more than twenty days on its own initiative or upon the written request of any affected person;

(6) Send to the applicant a copy of the aforesaid findings, conclusions, and decisions. Copies shall be available to any person upon request;

(7) Consider the needs and circumstances of institutions providing training programs for health personnel;

(8) Consider the predominant ethnic, cultural, or religious compositions of the residents to be served by an acute care facility in considering whether to grant a review certification;

(9) Provide for the availability, based on demonstration of need, of both medical and osteopathic facilities and services to protect the freedom of patient choice; and

(10) Failure by the committee to issue a written decision on an application for review certification within the time required by this section shall constitute approval of and the final administrative action on the application and shall be subject to appeal pursuant to section 197.387 only on the question of approval by operation of law.

197.381. 1. Any person who proposes to develop or offer a new institutional acute care service or a first-time service shall submit a letter of intent to the committee at least thirty days prior to the filing of the application unless:

(1) The new institutional acute care service:

(a) Will wholly replace, within a defined and reasonable time period, an existing acute care facility owned or operated by the person who would be required to submit a letter of intent;

(b) Is constructed on property within the maximum permissible distance from such existing acute care facility's boundary; and

(c) The license of the existing acute care facility will be terminated or transferred to the new acute care facility and the new acute care facility will be licensed upon approval by the department of health and senior services;

(2) The first-time service for which the person would otherwise be required to submit a letter of intent is the acquisition, development, or construction of a piece of equipment that:

(a) Is a replacement piece of equipment or an additional piece of equipment substantially similar to a piece of equipment for which a certificate of need or a review certificate has already been issued and is currently owned or operated by such person; and

(b) Will be placed in the same licensed location or licensed facility as the previously certified piece of equipment.

2. An application fee shall accompany each application for a review certification. The time of filing commences with the receipt of the application and the fee. The fee shall be one thousand dollars or one-tenth of one percent of the total project, whichever is greater. All application fees shall be deposited in the state treasury. The general assembly will appropriate funds to the department of health and senior services for expenditures related to the operation of the health facilities review committee.

197.384. 1. For the purpose of submitting an application for review certification, any person who proposes to develop or offer a new institutional acute care service shall obtain a review certification from the committee prior to the time such services are offered unless the new institutional acute care service:

(1) Will wholly replace, within a defined and reasonable time period, an existing acute care facility owned or operated by the person who would be required to submit a letter of intent;

(2) Is constructed on property within the maximum permissible distance from such existing acute care facility's boundary; and

(3) The license of the existing acute care facility will be terminated or transferred to the new acute care facility and the new acute care facility will be licensed upon approval by the

department of health and senior services.

2. Any person who proposes to develop or offer a first-time service shall obtain a review certification from the committee prior to the time such services are offered unless the first-time service for which the person would otherwise be required to submit a letter of intent is the acquisition, development, or construction of a piece of equipment that:

(1) Is a replacement piece of equipment or an additional piece of equipment substantially similar to a piece of equipment for which a certificate of need or a review certificate has already been issued and is currently owned or operated by such person; and

(2) Will be placed in the same licensed location or licensed facility as the previously certified piece of equipment.

Any person who proposes to replace a facility described in subdivision (1), (2), or (3) of subsection 1 of this section shall, no later than sixty days immediately prior to the date of the initiation of the construction process to begin replacement, conduct a public hearing regarding the project. Notice of hearing shall be given by publication in major newspapers of general circulation in the area to be served for four consecutive weeks prior to the hearing date. The Missouri facilities review committee shall notify all licensed acute care facilities within the service area in which the proposed new institutional acute care service is to be developed not less than thirty days prior to the hearing date.

4. Any person who proposes to add new, not previously licensed, beds to an existing hospital shall obtain a review certification, but shall not preclude the addition or transfer of beds without review certification as defined in paragraphs (c) and (d) of subdivision (13) of section 197.375.

5. Any person who proposes to renovate an acute care facility in a current location whose cost is over twenty million dollars shall obtain a review certification.

6. Only those new institution acute care services or first-time services that are found by the committee to meet the health needs of the community served shall be granted a review certification.

7. A review certification shall be issued only for the premises and persons named in the application and is not transferable except by the consent of the committee.

8. Project cost increases, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

9. Periodic reports to the committee shall be required of any applicant who has been granted a review certification until the project has been completed. The committee may order the forfeiture of the review certification upon failure of the applicant to file any such report.

10. A review certification shall be subject to forfeiture for failure to incur capital expenditures within twelve months after the date of the order. The applicant may request two extensions from the committee to avoid forfeiture. In any case, regardless of any extensions that may be granted, if after one year no capital expenditure has been made, the total statewide count of the services in question shall not reflect the units undeveloped.

11. No state agency charged by statute to license or certify acute care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed and is required to have a review certification, without first obtaining a review certification.

12. No state agency shall appropriate or grant funds to or make payment of any funds to any person or acute care facility that has not first obtained every review certification

required pursuant to sections 197.375 to 197.397.

13. If any person proposes to develop any new institutional health care service without a review certification as required by sections 197.375 to 197.397, the committee shall notify the attorney general and the attorney general shall seek an injunction or apply for other appropriate legal action in any court of this state against such person.

14. In no event shall a review certification be denied because the applicant refuses to provide abortion services or information.

15. A review certification shall not be required for the transfer of ownership of an existing and operational acute care facility in its entirety or for the conversion by a hospital of mobile first-time service to a first-time service in a permanent fixed location if the hospital previously received a certificate of need or review certificate for the mobile first-time service.

16. A review certification may be granted for something less than that which was sought in the original application.

17. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a review certification shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficiency and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a review certification must be obtained for continued use in such facility.

18. The provisions of section 197.326 shall apply to projects described in sections 197.375 to 197.397.

197.387. Within thirty days of the decision of the committee, the applicant may file an appeal pursuant to chapter 621, RSMo. Any subsequent appeal venue shall be the circuit court in the county within which such new institutional acute care service or first-time service is proposed to be developed, or the Cole County circuit court, at the applicant's discretion.

197.390. Review certification is not required for:

(1) Acute care facilities operated by the state. Appropriation of funds to such facilities by the general assembly shall be in compliance and such facilities shall be deemed to have received an appropriate review certification without any fee or charge;

(2) Notification projects pursuant to subdivision (16) of section 197.375 or nonsubstantive projects pursuant to subdivision (15) of section 197.375; except that, any person who wishes to pursue a notification project shall notify the committee in writing advising the committee of the nature of the project, the statutory authorization for classification as a notification project, and submit a verified statement of facts in support of such classification.

197.393. For the purposes of reimbursement pursuant to section 208.152, RSMo, project costs for new institutional acute care services in excess of ten percent of the initial project estimate unless approval was obtained pursuant to subsection 8 of section 197.384 shall not be eligible for reimbursement for the first three years that a facility receives payment for services provided pursuant to section 208.152, RSMo. The initial estimate shall be that amount for which the original review certificate was obtained. Reimbursement for

these excess costs after the first three years shall not be made until a review certification has been granted for the excess project costs. The provisions of this section shall apply only to facilities which file an application for a review certification or make application for cost-overrun review of their original application or waiver.

197.397. The committee shall have the power to promulgate reasonable rules, regulations, criteria, and standards in conformity with this section and chapter 536, RSMo, to meet the objectives of sections 197.300 to 197.397 including the power to establish criteria and standards to review new types of equipment or service. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 197.300 to 197.397 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 2002, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 2002, if it fully complied with all applicable provisions of the law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

[197.311. No member of the Missouri health facilities review committee may accept a political donation from any applicant for a license.]

[197.366. The provisions of subdivision (8) of section 197.305 to the contrary notwithstanding, after December 31, 2001, the term "health care facilities" in sections 197.300 to 197.366 shall mean:

(1) Facilities licensed under chapter 198, RSMo;

(2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo;

(3) Long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR, section 412.23(e); and

(4) Construction of a new hospital as defined in chapter 197.]"; and

Further amend said title accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 105, Section 3, Line 20, by deleting all of said section; and

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, by inserting in the appropriate location the following:

"**288.037. 1. The term "employer" shall include any Indian tribe for which service in employment as defined in section 288.034 is performed.**

2. The term "employment" shall include service performed in the employ of an Indian tribe, as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), provided such service is excluded from "employment" as defined in FUTA solely by reason of Section 3306(c)(7), FUTA, and is not otherwise excluded from "employment" under this chapter. For purposes of this section, the

exclusions from employment in subsection 9 of section 288.034 shall be applicable to services performed in the employ of an Indian tribe.

3. Benefits based on service in employment defined in this section shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter. The provisions of subsection 3 of section 288.040 pertaining to services performed at an educational institution while in the employ of an "educational service agency" shall apply to services performed in an educational institution or educational service agency wholly owned and operated by an Indian tribe or tribal unit.

4. (1) Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the state unemployment fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe. An Indian tribe and all tribal units of such Indian tribe shall be jointly and severally liable for any and all contributions, payments in lieu of contributions, interest, penalties, and surcharges owed by the Indian tribe and all tribal units of such Indian tribe.

(2) Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided in subsection 3 of section 288.090 pertaining to state and local governments and nonprofit organizations subject to this chapter. Indian tribes will determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units. Termination of an Indian tribe's coverage pursuant to subdivision (5) of this subsection shall terminate the election of such Indian tribe and any tribal units of such Indian tribe to make payments in lieu of contributions.

(3) Indian tribes or tribal units will be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(4) Any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, prior to the effective date of its election, to post with the division a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the Indian tribe or tribal unit was liable in the last calendar year in which it accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties, and surcharges for which the Indian tribe or tribal unit may be, or becomes, jointly and severally liable pursuant to this chapter.

(5) Failure of the Indian tribe or tribal unit to maintain the required surety bond, including the posting of an additional surety bond or a replacement surety bond within ninety days of being directed by the division, will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(6) The director may determine that any Indian tribe that loses coverage under subdivision (5) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, and interest have been paid. Upon reinstatement of

coverage under this subdivision, an Indian tribe or any tribal unit may elect, in accordance with the provisions of this subsection, to make payments in lieu of contributions.

(7) If an Indian tribe fails to maintain the required surety bond by posting an additional surety bond or a replacement surety bond within ninety days of being directed by the division, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(8) Notices of surety bond deficiency to Indian tribes or their tribal units shall include information that failure to post an additional surety bond or a replacement surety bond within the prescribed time frame:

(a) Will cause the Indian tribe to be liable for taxes under FUTA;

(b) Will cause the Indian tribe to be excepted from the definition of "employer," as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

5. (1) Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within ninety days of receipt of the bill will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(2) The director may determine that any Indian tribe that loses coverage under subdivision (1) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, and interest have been paid.

(3) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within ninety days of a final notice of delinquency, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

6. Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed time frame:

(1) Will cause the Indian tribe to be liable for taxes under FUTA;

(2) Will cause the Indian tribe to be excepted from the definition of "employer", as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

7. Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the federal government shall be financed in their entirety by such Indian tribe."; and

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location the following:

"**Section 4 1. Any skilled nursing facility licensed pursuant to chapter 198, RSMo, that provides health care and related services which are paid to or reimbursed by the state of Missouri to such facility in a total amount in excess of one hundred thousand dollars in a calendar year shall not use any such state moneys for any purpose not treated as an allowable cost under Medicare**

2. Any skilled nursing facility that makes expenditures that are not treated as allowable costs under Medicare shall maintain sufficient

records to show that no state moneys are used for such expenditures. The facility shall, upon request, provide such records to the division of medical services within the department of social services. Such records shall be subject to audit by the state of Missouri.

3. Any facility subject to this section shall annually submit certification to the division of medical services that no state moneys will be expended for any purpose treated as an allowable cost under Medicare. Any facility that does not submit such annual certification shall be subject to a fine of not less than five hundred dollars and fifty dollars a day for each day such certification is not provided to the division.

4. Any skilled nursing facility that fails to maintain or provide the division with the records required in this section when requested by the division shall be subject to a fine of not less than one thousand dollars and one hundred dollars a day for each day such records are not maintained or provided to the division.

5. Any skilled nursing facility that expends state moneys in violation of this section is liable to the state for double the amount of any state moneys expended in violation of this section. For purposes of accounting expenditures, if state moneys and other moneys are commingled, any expenditure made for any purpose treated as an allowable cost under Medicare shall be allocated between state moneys and other moneys on a pro rata basis.

6. Any person may file a complaint with the division of medical services if such person believes that a skilled nursing facility is expending state moneys in violation of this section. Upon the filing of such complaint, the director of the division shall, within five business days, direct the facility to produce sufficient records and documentation to show that no state moneys have been or are being expended in violation of this section.

7. Any person who knowingly authorizes the use of state moneys for any purpose prohibited by this section shall be liable to the state for double the amount of such expenditures.

8. Nothing in this section shall be construed as prohibiting any individual from filing a cause of action for a violation of this section.

Section 5. 1. A skilled nursing facility subject to the provisions of this section shall not discharge, demote, threaten, or otherwise discriminate against any individual or employee with respect to compensation, terms, conditions, or privileges of employment because such individual or employee, or any person acting at the request of the employee, provided or attempted to provide information regarding possible violations of section 2 of this act.

2. Any individual, employee, or former employee subject to this section who believes that he or she has been discharged or otherwise discriminated against in violation of this section may file a civil action within three years of the date of such discharge or discrimination.

3. If a court of competent jurisdiction finds by a preponderance of the evidence that a violation of this section has occurred, the court may grant such relief as it may consider appropriate, including but not limited to:

(1) Reinstatement of the employee to the employee's former position;

(2) Compensatory damages, costs, and reasonable attorney fees; and

(3) Other relief to remedy the past discrimination.

4. The protections of this section shall not apply to any individual, employee, or former employee who:

(1) Deliberately causes or participates in the alleged violation of law or rule; or

(2) Knowingly or recklessly provides substantially false information to the division of medical services."; and

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

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location the following:

"**198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining senior housing within its corporate limits.**"; and

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

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location the following:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a handling fee of fifteen dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

4. Effective February first of each year, the handling fee and per page fee listed in subsection 1 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for all urban consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted handling and per page fees on the department's Internet website by February first of each year.

[191.233. The limits provided in section 191.227 shall be increased or decreased on an annual basis effective January first of each year in accordance with the Health Care Financing Administration Market Basket Survey.]"; and

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

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for

Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location:

"**Section 1. No health care provider, including any corporation which delivers, or purports to deliver, any health care, shall be eligible to receive payments from any medical assistance program, as defined by Section 191.900(7), if an officer or director of such provider has been convicted, in state or federal court, of criminal fraud against a medical assistance program.**

Section 2. Any official having the authority to prosecute health care fraud and abuse shall also have the authority to seek an injunction prohibiting health care payments in violation of section 1."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684 by inserting in the appropriate location the following:

"**Section 1. 1. For purposes of chapters 193, 333, and 436, RSMo, and where not otherwise defined, the term "next of kin" means the following persons in the priority listed if such person is eighteen years of age or older and is mentally competent:**

(1) Surviving spouse;

(2) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child;

(3) Any surviving parent of the deceased. If the deceased was a minor, the surviving parent for purposes of determining next of kin is the parent who had custody of the minor. If the deceased was a minor and the deceased's parents had joint custody, the surviving parent for purposes of determining next of kin is the parent whose home was the minor child's residence for purposes of mailing and education;

(4) Any surviving brother or sister of the deceased. If the deceased had more than one brother or sister, then the surviving brother or sister for purposes of determining next of kin is the eldest brother or sister;

(5) The next nearest surviving relative of the deceased by consanguinity or affinity;

(6) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next of kin assumes such responsibility;

(7) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, county, or this state financially responsible for the cost of disposition.

2. In any civil cause of action against a funeral director or funeral establishment for actions taken regarding the funeral arrangements for a deceased person in their care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions were reasonable and taken in reliance upon a person's claim to be the deceased person's next of kin."; and

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

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 670 and 684, Page 15, Section 197.318, Line 24 of

said page, by adding the following after the word "category.":

"**Nothwithstanding the preceding provision of law, any facility licensed pursuant to chapter 198, RSMo, and located in a city not within a county may, on or before December 31, 2003, relocate up to one hundred of such facility's current licensed beds to a newly constructed facility to be licensed within the same licensure category and located in a county that is adjoining the city not within a county if both facilities are under the same licensure ownership or control.**"; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1011**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 1011, by inserting in the appropriate location the following section:

"**Section 1. Notwithstanding any provisions of law to the contrary, any utility unit, as defined in Title IV of the federal Clean Air Act, 42 U.S.C. Section 7851a, that uses coal-fired cyclone boilers which also burn tire derived fuel shall limit emissions of oxides of nitrogen to a rate no greater than eighty percent of the emission limit for cyclone-fired boilers in Title IV of the federal Clean Air Act and implementing regulations in 40 CFR Part 76, as amended. The provisions of this section shall expire on April 30, 2004, or upon the effective date of a revision to 10 CSR 10-6.350, whichever later occurs. The director of the department of natural resources shall notify the revisor of statutes of the effective date of a revision to 10 CSR 10-6.350.**"; and

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

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Kenney, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SCS** for **SB 1026**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1026

The Conference Committee appointed on House Substitute for Senate Committee Substitute for Senate Bill No. 1026 with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Committee Substitute for Senate Bill No. 1026, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 1026;

3. That the attached Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bill No. 1026 be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Bill Kenney	/s/ Joan Barry-100
/s/ Betty Sims	/s/ Harold R. Selby
/s/ Larry Rohrbach	/s/ Joseph L. Treadway
/s/ Pat Dougherty	/s/ Jerry R. King

/s/ Stephen Stoll /s/ Bob May

Senator Kenney moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Loudon	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins—26		

NAYS—Senator Yeckel—1

Absent—Senators

Coleman	Klindt	Mathewson	Quick
Schneider	Staples—6		

Absent with leave—Senator DePasco—1

On motion of Senator Kenney, **CCS** for **HS** for **SCS** for **SB 1026**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1026

An Act to repeal sections 194.220, 194.230, 376.1219, RSMo, and to enact in lieu thereof seven new sections relating to health insurance coverage for cancer treatment and prevention and certain inherited diseases.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Coleman	Goode	Klindt	Mathewson
Quick	Schneider	Staples—7	

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 2120**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2120

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 2120 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 2120;

2. That the House recede from its position on House Bill No. 2120;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 2120, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Michael R. Gibbons	/s/ W. Craig Hosmer
/s/ Chuck Gross	/s/ Phillip M. Britt
/s/ Anita Yeckel	/s/ Gary Kelly
/s/ Wayne Goode	/s/ Luann Ridgeway
/s/ Harry Kennedy	/s/ Robert Mayer

Senator Gibbons moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Coleman	Jacob	Mathewson	Quick
Staples—5			

Absent with leave—Senator DePasco—1

On motion of Senator Gibbons, **CCS** for **SCS** for **HB 2120**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 2120

An Act to repeal section 570.020, RSMo, and to enact in lieu thereof one new section relating to the method of ascertaining the value of property.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Coleman	Mathewson	Quick	Staples—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Goode moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1898** and grant the House a conference thereon, which motion prevailed.

Senator Sims moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 670** and **684**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that **SB 1011**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Klindt	Mathewson	Quick	Staples—4

Absent with leave—Senator DePasco—1

On motion of Senator Caskey, **SB 1011**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Loudon	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Coleman	Goode	Klindt	Mathewson
Quick	Singleton	Staples—7	

Absent with leave—Senator DePasco—1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

Senator Steelman moved that **HB 1489** and **HB 1850**, with **SCS**, **SS** for **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 4** was again taken up.

Senator Childers assumed the Chair.

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator Steelman requested a roll call vote be taken on the adoption of **SSA 1** for **SA 4** and was joined in her request by Senators Cauthorn, Stoll, Westfall and Wiggins.

SSA 1 for **SA 4** was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Childers	Dougherty
Gibbons	Goode	Gross	Jacob
Johnson	Kenney	Kinder	Loudon
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Stoll	Wiggins—20

NAYS—Senators

Caskey	Cauthorn	Coleman	Foster
House	Kennedy	Klindt	Steelman
Westfall—9			

Absent—Senators

Klarich	Mathewson	Staples	Yeckel—4

Absent with leave—Senator DePasco—1

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Pages 19-22, Section 650.350, by striking all of said section and inserting in lieu thereof the following:

"**650.350. 1. There is hereby created within the department of public safety the "Missouri Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of five sitting sheriffs. The Missouri sheriffs' association board of directors will submit twenty names of sitting sheriffs to the governor.**

The governor will then select five of these twenty names, no more than three from any one political party, to serve a term of two years. The members shall elect a chair from among their membership. Members shall receive no compensation for the performance of their duties pursuant to this section, but each member shall be reimbursed from the MoSMART fund for actual and necessary expenses incurred in carrying out duties pursuant to this section.

2. MoSMART shall meet no less than twice each calendar year, with additional meetings called by the chair upon the request of at least two members. A majority of the appointed members shall constitute a quorum.

3. A special fund is hereby created in the state treasury, to be know as the "MoSMART Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law. All moneys received for MoSMART from appropriations, interest, or federal moneys shall be deposited to the credit of the fund. The director of the department of public safety shall distribute at least fifty percent but not more than one hundred percent of the fund annually in the form of grants approved by MoSMART.

4. All moneys appropriated to or received by MoSMART shall be deposited and credited to the MoSMART fund. The department of public safety shall only be reimbursed for actual and necessary expenses for the administration of MoSMART, which shall be no less than one percent and which shall not to exceed two percent of all moneys appropriated to the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse to general revenue at the end of the biennium.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

6. Any county law enforcement entity or established task force with a memorandum of understanding and protocol may apply for grants from the MoSMART fund on an application to be developed by the department of public safety with the approval of MoSMART. All applications shall be evaluated by MoSMART and approved or denied based upon the level of funding designated for methamphetamine enforcement before 1997 and upon current need and circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand dollars per year. The department of public safety shall monitor all MoSMART grants.

7. MoSMART's anti-methamphetamine funding priorities are as follows:

(1) Sheriffs who are participating in coordinated multi-jurisdictional task forces and have their task forces apply for funding;

(2) Sheriffs whose county has been designated HIDTA counties, yet have received no HIDTA or narcotics assistance program funding; and

(3) Sheriffs without HIDTA designations or task forces, whose application justifies the need for MoSMART funds to eliminate methamphetamine labs.".

Senator Cauthorn moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1489 and House Bill No. 1850, Page 3, Section 650.350, Line 18, by adding:

"8. No state funds shall be appropriated to the "MO Smart Fund".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

At the request of Senator Steelman, **HB 1489** and **HB 1850**, with **SCS**, **SS** for **SCS** and **SA 5**, as amended (pending), were placed on the Informal Calendar.

HCS for **HB 1143**, with **SCS**, entitled:

An Act to repeal sections 135.478, 135.481, 135.484, 135.487, 135.530, and 143.811, RSMo, and to enact in lieu thereof seven new sections relating to tax credits for distressed communities.

Was called from the Informal Calendar and taken up by Senator Kenney.

SCS for **HCS** for **HB 1143**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1143

An Act to repeal sections 72.080, 72.130, 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063, 88.073, 99.050, 99.134, 135.207, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.431, 135.478, 135.481, 135.484, 135.487, 135.530, 143.811, 238.230, 348.300 and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, and to enact in lieu thereof seventy-three new sections relating to community development.

Was taken up.

Senator Kenney moved that **SCS** for **HCS** for **HB 1143** be adopted.

Senator Kenney offered **SS** for **SCS** for **HCS** for **HB 1143**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1143

An Act to repeal sections 72.080, 72.130, 88.010, 88.013, 88.027, 88.030, 88.040, 88.043, 88.047, 88.050, 88.053, 88.057, 88.060, 88.063, 88.073, 99.050, 99.134, 135.207, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.431, 135.478, 135.481, 135.484, 135.487, 135.530, 143.811, 238.230, 348.300 and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, and to enact in lieu thereof ninety-nine new sections relating to community development.

Senator Kenney moved that **SS** for **SCS** for **HCS** for **HB 1143** be adopted.

Senator Foster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Bill No. 1143, Page 3, Section 68.200, Lines 26-27 of said page, by striking all of said section from the bill; and

Further amend said bill, Pages 2-9, Section 68.202, by striking all of said section from the bill; and

Further amend said bill, Pages 10-11, Section 68.204, by striking all of said section from the bill; and

Further amend said bill, Page 11, Section 68.206, by striking all of said section from the bill; and

Further amend said bill, Pages 11-12, Section 68.208, by striking all of said section from the bill; and

Further amend said bill, Pages 12-13, Section 68.210, by striking all of said section from the bill; and

Further amend said bill, Pages 13-14, Section 68.212, by striking all of said section from the bill; and

Further amend said bill, Pages 14-18, Section 68.214, by striking all of said section from the bill; and

Further amend said bill, Pages 18-20, Section 68.218, by striking all of said section from the bill; and

Further amend said bill, Pages 20-24, Section 68.220, by striking all of said section from the bill; and

Further amend said bill, Pages 24-25, Section 68.222, by striking all of said section from the bill; and

Further amend said bill, Pages 25-26, Section 68.224, by striking all of said section from the bill; and

Further amend said bill, Pages 26-27, Section 68.226, by striking all of said section from the bill; and

Further amend said bill, Pages 27-30, Section 68.230, by striking all of said section from the bill; and

Further amend said bill, Pages 30-32, Section 68.232, by striking all of said section from the bill; and

Further amend said bill, Page 32, Section 68.234, by striking all of said section from the bill; and

Further amend said bill, Page 32, Section 68.236, by striking all of said section from the bill; and

Further amend said bill, Page 33, Section 68.238, by striking all of said section from the bill; and

Further amend said bill, Page 33, Section 68.240, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Pages 58-61, Section 99.134 of said pages, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 146,

Section 238.230, Line 29 of said page, by inserting after all of said line the following:

"**288.037. 1. The term "employer" shall include any Indian tribe for which service in employment as defined in section 288.034 is performed.**

2. The term "employment" shall include service performed in the employ of an Indian tribe, as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), provided such service is excluded from "employment" as defined in FUTA solely by reason of Section 3306(c)(7), FUTA, and is not otherwise excluded from "employment" under this chapter. For purposes of this section, the exclusions from employment in subsection 9 of section 288.034 shall be applicable to services performed in the employ of an Indian tribe.

3. Benefits based on service in employment defined in this section shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter. The provisions of subsection 3 of section 288.040 pertaining to services performed at an educational institution while in the employ of an "educational service agency" shall apply to services performed in an educational institution or educational service agency wholly owned and operated by an Indian tribe or tribal unit.

4. (1) Indian tribes or tribal units, including subdivisions, subsidiaries, or business enterprises wholly owned by such Indian tribes, subject to this chapter shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the state unemployment fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe. An Indian tribe and all tribal units of such Indian tribe shall be jointly and severally liable for any and all contributions, payments in lieu of contributions, interest, penalties, and surcharges owed by the Indian tribe and all tribal units of such Indian tribe.

(2) Indian tribes electing to make payments in lieu of contributions must make such election in the same manner and under the same conditions as provided in subsection 3 of section 288.090 pertaining to state and local governments and nonprofit organizations subject to this chapter. Indian tribes will determine if reimbursement for benefits paid will be elected by the tribe as a whole, by individual tribal units, or by combinations of individual tribal units. Termination of an Indian tribe's coverage pursuant to subdivision (5) of this subsection shall terminate the election of such Indian tribe and any tribal units of such Indian tribe to make payments in lieu of contributions.

(3) Indian tribes or tribal units will be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(4) Any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, prior to the effective date of its election, to post with the division a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the Indian tribe or tribal unit was liable in the last calendar year in which it accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties, and surcharges for which the Indian tribe or tribal unit may be, or becomes, jointly and severally liable pursuant to this chapter.

(5) Failure of the Indian tribe or tribal unit

to maintain the required surety bond, including the posting of an additional surety bond or a replacement surety bond within ninety days of being directed by the division, will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(6) The director may determine that any Indian tribe that loses coverage under subdivision (5) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, and interest have been paid. Upon reinstatement of coverage under this subdivision, an Indian tribe or any tribal unit may elect, in accordance with the provisions of this subsection, to make payments in lieu of contributions.

(7) If an Indian tribe fails to maintain the required surety bond by posting an additional surety bond or a replacement surety bond within ninety days of being directed by the division, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

(8) Notices of surety bond deficiency to Indian tribes or their tribal units shall include information that failure to post an additional surety bond or a replacement surety bond within the prescribed time frame:

(a) Will cause the Indian tribe to be liable for taxes under FUTA;

(b) Will cause the Indian tribe to be excepted from the definition of "employer," as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

5. (1) Failure of the Indian tribe or tribal unit to make required payments, including assessments of interest and penalty, within ninety days of receipt of the bill will cause services performed for such Indian tribe to not be treated as "employment" for purposes of subsection 2 of this section.

(2) The director may determine that any Indian tribe that loses coverage under subdivision (1) of this subsection, may have services performed for such tribe again included as "employment" for purposes of subsection 2 of this section if all contributions, payments in lieu of contributions, penalties, and interest have been paid.

(3) If an Indian tribe fails to make payments required under this section, including assessments of interest and penalty, within ninety days of a final notice of delinquency, the director will immediately notify the United States Internal Revenue Service and the United States Department of Labor.

6. Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed time frame:

(1) Will cause the Indian tribe to be liable for taxes under FUTA;

(2) Will cause the Indian tribe to be excepted from the definition of "employer", as provided in subsection 1 of this section, and services in the employ of the Indian tribe, as provided in subsection 2 of this section, to be excepted from "employment".

7. Extended benefits paid that are attributable to service in the employ of an Indian tribe and not reimbursed by the federal government shall be financed in their entirety by such Indian tribe.";

and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**, which was

read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Pages 133-134, Section 135.530, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dougherty, **SA 4** was withdrawn.

Senator Dougherty offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 134, Section 135.530, Lines 2 and 3, by deleting said brackets and on line 12, by deleting said brackets.

Senator Dougherty moved that the above amendment be adopted.

President Pro Tem Kinder assumed the Chair.

Senator Rohrbach offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 133, Section 135.530, Lines 25-29, by deleting the word "Missouri" on line 25, by deleting all of lines 26-28, and deleting the words "to the last decennial census, or a" on line 29; and

Further amend said bill and section, page 134, by deleting the brackets in said section.

Senator Rohrbach moved that the above substitute amendment be adopted.

At the request of Senator Rohrbach, **SSA 1** for **SA 5** was withdrawn.

At the request of Senator Dougherty, **SA 5** was withdrawn.

Senator Childers offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"**Section 1. Notwithstanding any other provision of law to the contrary, any portion of a redevelopment area located in a historic downtown district and included in a redevelopment plan which included a substantial portion of a city shall, if removed from such area for the purpose of adopting a new redevelopment plan, be entitled to a new twenty-three-year period in accordance with section 99.810, RSMo, notwithstanding the fact that such area may have been included within a redevelopment area previously approved by the city.**

Section 2. Any proceeding involving the validity or enforceability of any security for any bond, note or obligation issued by any city shall be conclusively deemed to have been completed by the city in accordance with the law under which such proceedings were authorized notwithstanding any technical or other defects or omissions in such proceedings, and such proceedings shall not be subject to legal challenge on and after the date the city issues bonds, notes or other obligations unless such challenge is brought within ninety days following the completion of the proceedings of the city or such shorter period as may be prescribed in any law authorizing such proceedings.

Section 3. Notwithstanding any provision of law the contrary, the security for any bond, note or other obligation issued by or on behalf of the city to finance infrastructure facilities may include a pledge of payments in lieu of taxes or a pledge or appropriation of economic activity tax revenues generated within a redevelopment area designated by any municipality pursuant to the provisions of section 99.800 to 99.865, RSMo, whether or not the infrastructure facilities to be financed with the proceeds of bonds, notes or other obligations are located within the boundaries of said redevelopment area are generating such taxes or revenues."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion failed.

Senators Schneider and Goode offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 1, In the Title, Line 17, by inserting after "development" the following: ", with an effective date for certain sections"; and

Further amend said bill, page 61, Section 99.134, Line 22, by inserting after all of said line the following:

"99.805. As used in sections 99.800 to **[**99.865**]** **99.873**, unless the context clearly requires otherwise, the following terms shall mean:

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

(2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, 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, licenses, fees or special assessments.

For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) "High unemployment", unemployment in the census block group or contiguous group of block groups in which the redevelopment project is located of at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of nonmetropolitan counties if the area is not located in a metropolitan statistical area;

(8) "Low fiscal capacity", per capita assessed valuation of property in the municipality of less than sixty percent of the entire county in which it is located, or, in unincorporated areas, when the per capita assessed valuation of property in the school district is less than sixty percent of the entire county in which it is located;

(9) "Moderate income", either a Missouri municipality within a metropolitan statistical area which has a population of at least one thousand five hundred and median household income of under ninety percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under ninety percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition, the definition shall include municipalities not within a metropolitan statistical area, with a median household income of under ninety percent of the median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a census block

group or contiguous group of block groups which has a population of at least one thousand five hundred, and each block group having a median household income of under ninety percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census;

[(7)**] (10)** "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)**] (11)** "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)**] (12)** "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)**] (13)** "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)**] (14)** "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

[(12)**] (15)** "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)**] (16)** "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)**] (17)** "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(18) "Retail", any establishment possessing a retail sales license and responsible for the collection of sales taxes pursuant to the provisions of section 144.080, RSMo;

(19) "Retail redevelopment project", any development project within a redevelopment area, as defined in this section, where more than thirty-three percent of the total estimated redevelopment project costs are devoted to the construction, reconstruction, or expansion of retail establishments or of privately-owned infrastructure or facilities ancillary to sales at retail;

[(15)**] (20)** "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)**] (21)** "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)**] (22)** "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; **[**and**]**

[(18)**] (23)** "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a

municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision **[**and**],** an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

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) 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, RSMo. 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, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(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, RSMo, 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, RSMo, 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, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, 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, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. 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, RSMo, 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 distressed communities pursuant to section 135.530, RSMo,** blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, 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 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;

(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 aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen 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. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

99.866. 1. Except as provided in subsection 2 of this section, sections 99.866 to 99.872 shall apply to any city not within a county, any county with a charter form of government and with more than one million inhabitants, any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, any county of the first classification without a charter form of government and with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but less than thirty-nine thousand inhabitants, any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand eight hundred but less than seventeen thousand nine hundred inhabitants.

2. Any redevelopment project consisting solely of public infrastructure improvements on public land requiring two million dollars or less in tax increment financing, wherein the bonds for such project will be paid off in seven years or less, shall be exempt from the provisions of sections 99.866 to 99.872. However, no "stringing" of projects shall be allowed. No exempt project pursuant to this section shall be combined with another exempt project pursuant to this section for a period of five years.

3. Any redevelopment project for which eligible project redevelopment costs are to be paid from that portion of the total economic activity taxes and payments in lieu of taxes imposed by the municipality only, and real or potential revenues from no other taxing jurisdictions are involved, are exempt from the provisions of sections 99.866 to 99.872.

99.867. 1. The municipality and any

proposed redevelopment area shall meet the requirements of section 99.810 and this section. In addition, if the proposed redevelopment project is a retail redevelopment project, it must be in a redevelopment area where:

(1) The host municipality or, for unincorporated areas, the host school district has low fiscal capacity; or

(2) The census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area have high unemployment; or

(3) The municipality, census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area are characterized by moderate income.

2. Tax increment financing shall not be used for more than thirty percent of the total estimated redevelopment costs of a project unless the redevelopment is in a municipality, census block group or group of block groups with a median household income less than seventy percent of that of the metropolitan area, a distressed community as defined in section 135.530, RSMo, a federal enterprise zone or a federal empowerment zone. Tax increment financing shall not be used to develop sites in which twenty-five percent or more of the area is vacant and has not previously been developed or qualifies as "open space" pursuant to section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes.

3. If the majority of the proposed redevelopment project is located in an area meeting the requirements of low fiscal capacity, high unemployment, and moderate income set forth in this section, and if such conditions are documented in an area which is contiguous to but outside of the qualifying area, and is smaller than a census block group, the contiguous area shall be added to the qualifying area.

99.870. Commencing with the first fiscal year in which any municipality receives any payments in lieu of taxes from a redevelopment project and continuing through the last fiscal year in which the municipality receives such payments, the municipality shall pay to any other taxing entities entitled to receive revenue from levies on real property in such municipality, an amount equal to twenty-five percent of the payments in lieu of taxes received by the municipality. This amount shall be divided among the other affected taxing entities on a basis that is proportional to the collections of revenue from real property in the development area to which each such taxing district is entitled during that tax year.

99.871. In addition to the requirements which may apply pursuant to section 99.810, no redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision, an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met, and a study stating that records were reviewed, inspections were made, comparisons were made, or tasks undertaken demonstrating that the property has not been developed through private enterprise over a period of time. Such a study should be signed by a responsible party in the local jurisdiction who is designated as being responsible for the study's representations. The study shall be of sufficient specificity to allow representatives of the tax increment financing commission or the

municipality, or both, to conduct investigations deemed necessary in order to confirm its findings;

(2) An economic feasibility analysis including a pro forma financial statement indicating a return on investment that may be expected without public assistance. The financial statement shall detail any assumptions made, a pro forma statement analysis demonstrating the amount of assistance required to bring the return into a range deemed attractive to private investors, which amount shall be equal to the estimated reimbursable project costs.

99.872. The municipality and the developer shall annually submit information to the department regarding an approved plan for as long as the plan is in effect. The department shall establish reporting requirements by rule promulgated pursuant to chapter 536, RSMo. The department shall submit a report to the governor and the general assembly by December thirty-first of each year. The report shall, at a minimum, identify the number and location of redevelopment areas, quantify public investment in each, and assess the public benefit derived from the redevelopment project.

99.873. Any district in any city not within a county, any county with a charter form of government and with more than one million inhabitants, any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants, any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, any county of the first classification without a charter form of government and with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, any county of the third classification without a township form of government and with more than thirty-eight thousand nine hundred but less than thirty-nine thousand inhabitants, any county of the fourth classification with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred inhabitants, and any county of the third classification without a township form of government and with more than seventeen thousand eight hundred but less than seventeen thousand nine hundred inhabitants, providing emergency services pursuant to chapter 190 or 321, RSMo, shall be entitled to reimbursement from the special allocation fund for direct costs. However, such reimbursement shall not be less than twenty-five percent nor more than one hundred percent of the district's tax increment.

99.874. The provisions of this act shall apply to all redevelopment projects which are approved by a municipality after the effective date of this act."; and

Further amend said bill, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"Section B. The repeal and reenactment of sections 99.805, 99.810, 99.845 and the enactment of sections 99.866, 99.867, 99.870, 99.871, 99.872, 99.873 and 99.874 of this act shall become effective July 1, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"**Section 1. 1. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants.**

2. Sections 99.800 to 99.865, RSMo, shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects (including redevelopment project costs) by not more than forty percent of such project original projected cost (including redevelopment project costs) as such projects (including redevelopment project costs) existed as of June 30, 2003, and shall allow the aforementioned tax incremented financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 141, Section 143.811, Line 9, by inserting immediately after said line the following:

"**[**150.150. Except as otherwise provided in this section, the collector shall, at the time of delivering such license, collect the sum of five dollars, the fee allowed in this section to the clerk for issuing the license, except that any fees herein received by the collector shall be paid into the county or city treasury, as provided by law. In any county of the first classification with a charter form of government which contains all or part of a city with a population of three hundred fifty thousand or more inhabitants, the collector shall, at the time of delivering such license, collect a fee set by the governing body of the county, except that such fee shall not exceed one hundred dollars and the governing body of the county may, in lieu of altering the fee otherwise prescribed in this section, elect to not collect any fee for the issuance and delivery of such licenses.**]**

150.150. The collector shall, at the time of delivering such license, collect the sum of **[**five dollars**] up to twenty-five dollars, adjusted annually based on the consumer price index,** in all counties **[**of the first classification**]** having a charter form of government and in any city not within a county **[**and twenty-five dollars**] which shall be set by such governing body.** In all other counties, the fee **[**herein allowed to the clerk for issuing the same**] shall be twenty-five dollars**; provided, that five dollars of any fees herein received by the collector shall be paid into the county or city treasury, as provided by law and twenty dollars shall be paid into the county employees' retirement fund created by sections 50.1000 to 50.1200, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 9** is out of order as it goes beyond the scope and purpose of the bill.

President Maxwell assumed the Chair.

The point of order was referred to the

President Pro Tem, who ruled it well taken.

At the request of Senator Kenney, **HCS** for **HB 1143**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1898**. Representatives: Campbell, Foley, Harlan, Naeger, and Hunter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended. Representatives: Gratz, Relford, Williams, Legan and Burcham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended. Representatives: Monaco, Clayton, Smith, Richardson and Crowell.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SBs 670** and **684**, as amended and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 1061** and **1062**, as amended: Senators Rohrbach, Kenney, Klindt, Mathewson and Wiggins.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1898**: Senators Russell, Rohrbach, Gibbons, Goode and Mathewson.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1775, regarding Carl R. Kruse, M.D., Palmyra, which was adopted.

Senator Singleton offered Senate Resolution No. 1776, regarding Jacob Brower, Joplin, which was adopted.

COMMUNICATIONS

Senator Caskey submitted the following objection:

NOTICE OF OBJECTION

May 15, 2002

Mrs. Terry Spieler

Secretary of the Senate

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Madame Secretary:

Pursuant to Rule 10, I hereby formally object to the ruling of the Chair on the point of order raised this date concerning the legality of offering the Senate Committee Substitute and the Senate Substitute for House Bill No. 1906, in that sections 33.900 and 578.475 are inconsistent with the underlying purpose of the legislation. The Chair ruled that the substitutes were in order.

Rule 10 of the Rules of the Senate state in part: "The president pro tem shall be parliamentarian of the senate and may decide all points of order..." and "All rulings on points of order shall

be subject to appeal to the senate...". I request that this formal objection be printed in the Senate Journal for this day.

Article III, Section 21 of the Missouri Constitution states: "...no bill shall be so amended in its passage through either house as to change its original purpose". The original purpose of the introduced bill was to aid the current state fiscal crisis through the transfer of excess unobligated cash balances of certain state funds to general revenue.

Section 578.475 is contained in the Senate Substitute and prohibits the knowing transfer of human fetal parts for valuable consideration; it does not involve in any way state funds and therefore is inconsistent with the original purpose of the bill. Section 33.900, which prohibits the expenditure of public funds to subsidize abortion services or administrative expenses, does not change the current level of appropriations and is similarly inconsistent with the original purpose of the bill.

/s/ Harold Caskey

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, the Physician of the Day, Dr. Brad Freeman, M.D., St. Louis.

Senator Yeckel introduced to the Senate, Peggy and John Anselmo, Danielle Cullen and Kristin Warnbrodt, St. Louis County.

Senator Schneider introduced to the Senate, his daughter, Anne Galterman, and his grandchildren, Kathline and Robert, St. Louis; and Kathline and Robert were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 9:00 a.m., Thursday, May 16, 2002.

SENATE CALENDAR

SEVENTY-FOURTH DAY–THURSDAY, MAY 16, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and Russell, with SCS

SBs 1085 & 1262-Yeckel and Childers, with SCS

HOUSE BILLS ON THIRD READING

HS for HB 1399-Ransdall (Yeckel) (In Budget Control)

HCS for HB 1398 (Yeckel) (In Budget Control)

HCS for HB 1689, with SCS (Klarich) (In Budget Control)
HCS for HB 1695, with SCS (Kenney) (In Budget Control)
HS for HCS for HBs 1729, 1589 & 1435-Barnitz (Cauthorn) (In Budget Control)
HB 1634-Hoppe, with SCS
HB 2137-Crump, with SCS
HCS for HB 1717, with SCS (Gibbons)
HS for HCS for HB 1868-Barry

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al, with SCS (pending)
SB 647-Goode, with SCS (pending)
SB 651-Singleton and Russell, with SCS (pending)
SB 659-House and Kenney, with SS#2, SA 3 and SSA 1 for SA 3 (pending)
SB 660-Westfall, et al, with SCS (pending)
SB 668-Bentley, with SS & SA 1 (pending)
SB 689-Gibbons, et al, with SCS
SB 696-Cauthorn, et al
SB 735-Steelman and Kinder, with SCS
SBs 766, 1120 & 1121-Steelman, with SCS
SB 832-Schneider, with SCS
SB 881-Steelman and Yeckel, with SCS & SS for SCS (pending)
SB 910-Gibbons
SB 912-Mathewson, with SCS, SS for SCS & SA 4 (pending)
SB 926-Kenney, et al, with SCS
SB 938-Cauthorn, et al
SB 971-Klindt, et al, with SCS
SB 1010-Sims
SB 1035-Yeckel
SB 1040-Gibbons, et al, with SCS
SB 1046-Gross and House, with SCS (pending)
SB 1052-Sims, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SBs 1063 & 827-Rohrbach and Kenney, with SCS, SS for SCS & SA 3 (pending)
SB 1087-Gibbons, et al, with SCS
SB 1099-Childers, with SCS
SB 1100-Childers, et al, with SS and SA 3 (pending)
SB 1103-Westfall, et al, with SA 2 (pending)
SB 1105-Loudon
SB 1111-Quick, with SCS
SB 1133-Gross, with SCS

SB 1157-Klindt, with SCS
SB 1195-Steelman, et al
SB 1205-Yeckel
SB 1206-Bentley and Stoll
SJR 23-Singleton, with SS, SA 1 & SSA 1 for SA 1 (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 1143, with SCS & SS for SCS (pending) (Kenney)
HCS for HBs 1150, 1237 & 1327, with SCS (Gibbons)
SS for SCS for HB 1196-Barnett, et al (Westfall) (In Budget Control)
HCS for HB 1216, with SCS (Singleton)
HCS for HBs 1344 & 1944, with SCS & SA 6 (pending) (Caskey)
HB 1406-Barnett, with SCS (Klindt)
HCS for HB 1425, with SCS (House)
HS for HB 1455-O'Toole, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending) (Gross)
HS for HCS for HBs 1461 & 1470-Seigfreid, with SCS (Yeckel)
HBs 1489 & 1850-Britt, with SCS, SS for SCS & SA 5 (pending) (Steelman)
HS for HB 1498-Johnson (90), with SCS (Sims)
HS for HCS for HBs 1502 & 1821-Luetkenhaus, with SCS (Rohrbach)
HB 1600-Treadway, with SS & SA 3 (pending) (Mathewson)
HS for HCS for HB 1650-Hoppe, with SCS (Steelman)
HS for HCS for HBs 1654 & 1156-Hosmer, with SCS (Caskey)
HB 1679-Crump, with SCS & point of order (Sims)
HS for HCS for HB 1756-Reid (Klarich)
HCS for HB 1817, with SCS (Bentley)
HB 1869-Barry (Klarich)
HS for HCS for HB 1906-Green (73), with SCS & SS for SCS (pending) (Kenney)
HS for HB 1994-Hosmer, with SA 1 & SA 2 to Part I of SA 1 (pending) (Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al, with SCS (pending) (Coleman)

HB 1085-Mays (50) (Quick)

HB 1643-Holand and Barry (Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson, with HCS

SS for SCS for SB 675-Yeckel, et al, with HS for HCS, as amended

SB 856-Russell, with HS for HCS, as amended

SCS for SB 1212-Mathewson, with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 670 & 684-Sims, with HS for HCS, as amended

SCS for SB 680-Bland, with HS for HCS, as amended

SCS for SB 712-Singleton and Sims, with HS for HCS, as amended (Senate adopted CCR and passed CCS)

SCS for SB 810-Dougherty, with HS for HCS, as amended

SB 895-Yeckel and Gross, with HS for HCS, as amended (Senate adopted CCR and passed CCS)

SCS for SBs 915, 710 & 907-Westfall, et al, with HS, as amended

SS for SCS for SBs 969, 673 & 855-Westfall, with HS#2 for HCS, as amended

SS for SS for SCS for SBs 970, 968, 921, 867, 868 & 738-Westfall, with HS for HCS, as amended

SCS for SB 1026-Kenney, et al, with HS, as amended (Senate adopted CCR and passed CCS)
SCS for SBs 1061 & 1062-Rohrbach and Kenney, with HS for HCS, as amended
SCS for SBs 1086 & 1126-DePasco & Quick, with HCS (Senate adopted CCR and passed CCS)
SCS for SB 1202-Westfall, with HCS (Senate adopted CCR and passed CCS)
SB 1220-Sims, with HS, as amended (CCR Defeated)
SS for SB 1248-Mathewson, with HS for HCS, as amended
HBs 1270 & 2032-Gratz, with SS for SCS, as amended (Westfall)
HB 1313-Burton, with SCS (Foster)
HB 1402-Burton, et al, with SCS, as amended (Steelman)
HB 1446-Luetkenhaus, with SS#2 for SCS, as amended (Kenney)
HB 1712-Monaco, et al, with SS for SCS, as amended (Klarich)
HB 1748-Ransdall, with SS, as amended (Steelman)
HCS for HB 1898, with SS for SCS (Goode)
HS for HCS for HB 1962-Monaco, with SS for SCS, as amended (Klarich)

Requests to Recede or Grant Conference

SS for SCS for SBs 837, 866, 972 & 990-Cauthorn, with HCS, as amended (Senate requests House recede or grant conference)
SS#2 for SCS for SBs 984 & 985-Steelman, with HS, as amended (Senate requests House recede or grant conference)
HB 1953-Van Zandt, et al, with SCS, as amended (Singleton) (House requests Senate recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1 (pending)

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1

MISCELLANEOUS

REMONSTRANCE 1-Caskey

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