

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY—THURSDAY, MAY 11, 2006

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“So then you are no longer strangers and aliens, but you are citizens with the saints and also members of the household of God.” (Ephesians 2:19)

Merciful Father, with the pressures of time running against us and much to be accomplished, some begin to feel You are far away; but Your word teaches us that we are members of Your family and have access to You by faith into this grace You provide for us everyday. Help us be free to cast our burdens on You and trust that You will point us in the right direction and sustain us and lift us up to go on and finish the course laid out for us in a sure and certain hope that You are with us every step of the way. 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.

Senator Bartle assumed the Chair.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the Senate had been given permission to take pictures from the Senate Gallery today.

The following Senators were present during the

day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 3101, regarding Ross Branson, which was adopted.

Senator Gross offered Senate Resolution No. 3102, regarding Maggie Wolcott, which was adopted.

Senator Barnitz offered Senate Resolution No. 3103, regarding the One Hundredth Birthday of Mildred Leaver, Rolla, which was adopted.

Senator Scott offered Senate Resolution No. 3104, regarding Cole Camp High School, which was adopted.

Senator Barnitz offered Senate Resolution No. 3105, regarding Jonathan W. Bertz, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1302 was placed on the Informal Calendar.

At the request of Senator Cauthorn, **HB 994** was placed on the Informal Calendar.

HCS for **HB 1349**, with **SCS**, was placed on the Informal Calendar.

HB 1619, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1092**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1059** was placed on the Informal Calendar.

At the request of Senator Callahan, **HB 1035** was placed on the Informal Calendar.

HCS for **HB 1837**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1137**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1397** was placed on the Informal Calendar.

HCS for **HB 1075**, with **SCS**, was placed on the Informal Calendar.

HB 1864, introduced by Representative Nolte, et al, entitled:

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof six new sections relating to prohibiting the admission of aliens unlawfully present in the United States at public institutions of higher education.

Was taken up by Senator Alter.

Senator Alter offered **SS** for **HB 1864**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 1864

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof eight new sections relating to prohibiting the admission of aliens unlawfully present in the United States.

Senator Alter moved that **SS** for **HB 1864** be adopted.

At the request of Senator Alter, **HB 1864**, with **SS** (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 House has taken up and passed **HCS** for **SB 805**, entitled:

An Act to repeal sections 52.361, 52.370, 55.140, 55.190, 67.1451, 67.1545, 67.2500, 67.2510, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.730, 144.030, 144.070, 144.440, and 165.071, RSMo, and to enact in lieu thereof thirty-four new sections relating to taxation.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, House Amendment No. 1 for House Substitute Amendment No. 1 for House Amendment No. 13, House Substitute Amendment No. 1 for House Amendment No. 13, as amended, House Amendment Nos. 14, 15, 16, 17, 18, 19, 20, 21 and 23.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 805, Section 67.1545, Page 5, Line 25 by inserting an open bracket “[” before, “32.097” and ;

Further amend said line by inserting a closed bracket “]” immediately after “32.097”; and

Further amend said line by inserting immediately after the word, “section” the following, “**32.087**”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 805, Section 67.1451, Page 4, Line 74 by inserting immediately after said Line the following:

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

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

(2) To sue and be sued;

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

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

(5) To employ or contract for such

managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

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

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

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions **(2) and (5)** of section 137.100, RSMo. Those exempt pursuant to subdivisions **(2) and (5)** of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

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

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

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

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

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

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

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

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

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

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

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

(a) Pedestrian or shopping malls and plazas;

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

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

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

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

(f) Lakes, dams, and waterways;

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

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

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

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

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

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

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

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

(20) Within its boundaries, to lease space for sidewalk cafe tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

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

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

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the

recruitment of developers and businesses;

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

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

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

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

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

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

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

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

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the

public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

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

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 805, Page 1, Section A, Line 8, by inserting after all of said line the following:

“52.230. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers, at least [fifteen] **thirty** days prior to delinquent date, a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. Such statement shall also include the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time such statement is mailed for an amount of real or tangible personal property taxes, or both. Collectors shall also mail tax receipts for all the taxes received by mail.”; and

Further amend said title, enacting clause and

intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Line 14 by inserting after all of said line the following:

“94.950. 1. As used in this section, “museum” means museums operating or to be built in the city and that are registered with the United States Internal Revenue Service as a 501(c)(3) corporation, or an organization that is registered with the United States Internal Revenue Service as a 501(c)(3) corporation and that develops, promotes, or operates historical locations or preservation sites.

2. The governing body of any home rule city with more than forty-five thousand five hundred but fewer than forty-five thousand nine hundred inhabitants and partially located in any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-half of one percent, and shall be imposed solely for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

3. The ballot of submission for the tax authorized in this section shall be in

substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent, solely for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism?

YES NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the “Local Option Museum Sales Tax Trust Fund”, and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the trust fund

which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the trust fund during the preceding month to the city that levied the sales tax.

5. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

6. All applicable provisions in sections 144.010 to 144.524, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of

the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

7. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism?

YES NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

9. If the tax is repealed or terminated by any means, all funds remaining in the trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one

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

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 805, Section 144.030, Page 23, Line 72 by inserting an open bracket “[” before the word, “solely”; and

Further amend said line by inserting a closed bracket “]” immediately after the word, “solely”; and

Further amend said section, Page 23, Line 73 by inserting an open bracket “[” before the words, “in interstate commerce”; and

Further amend said line by inserting a closed bracket “]” immediately after the words, “in interstate commerce”; and

Further amend said bill, Page 29, Section 144.054, Line 20 by inserting after said line the following:

“144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for:

(1) A county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or

(2) An organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or

(3) Any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or

(4) Any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; or

(5) After June 30, 2007, the department of transportation or the state highways and transportation commission, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity. One half of the savings realized, by the department of transportation or the state highways and transportation commission, from being a tax-exempt entity shall be applied to the

unfunded liability of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System and can not be used to supplant the actuarially required contribution payment.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

(1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;

(2) The project location, description, and unique identification number;

(3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;

(4) The estimated project completion date; and

(5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall

execute to the purchasing contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such

personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials.”; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 805, Page 2, Section 55.190, Line 13, by inserting after all of said line the following:

“67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section shall be used solely to fund all youth programs administered by an existing county community task force. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the

governing body of the county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax to be used solely to fund senior services provided by the county and half of the revenue from the tax to be used solely to fund youth programs provided by the county?

YES NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following the approval of the tax or notification to the department of revenue if such tax will be administered by the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. On or after the effective date of any tax authorized under this section, the county which imposed the tax may adopt one of the two following provisions for the collection and administration of the tax:

(1) The county may adopt rules for the

internal collection of such tax by the county officers usually responsible for collection and administration of county taxes; or

(2) The county may enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. In the event the county enters into an agreement with the director of revenue for the collection of the tax, on or after the effective date of the tax the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected under this section by the director of the department of revenue on behalf of any county, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Senior Services and Youth Programs Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the county may authorize the use of a bracket system similar to that

authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the county shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.524, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for taxes and penalty under this section, the limitation for bringing suit for the collection of

the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

YES NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the county a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting

thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the county shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission.”; and

Further amend said title, enacting clause and

intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 805, Page 7, Section 135.010, Line 1 by inserting before said line the following:

“92.500. 1. The governing body of any city not within a county may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-half of one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for compensation, pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city, including the hiring of police officers and prosecuting attorneys?

YES NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be

by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.524, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption

certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of providing revenues for the operation of public safety departments of the city?

YES NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal,

then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close

the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 805, Page 1, Section A, Line 8, by inserting at the end of said line the following:

“50.327. [Notwithstanding any other provisions of law to the contrary,] **1.** The salary schedules contained in section 49.082, RSMo, sections 50.334 and 50.343, 51.281, RSMo, 51.282, RSMo, 52.269, RSMo, 53.082, RSMo, 53.083, RSMo, 54.261, RSMo, 54.320, RSMo, 55.091, RSMo, 56.265, RSMo, 57.317, RSMo, [and] 58.095, RSMo, **and 473.742, RSMo**, shall be set as a base schedule for those county officials, unless the current salary of such officials, as of August 28, 2005, is **higher or** lower than the compensation provided under the salary schedules. Beginning August 28, 2005, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.”

If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes and all officers and offices shall receive the same percentage decrease.

2. In no event shall the base salary or compensation of a county collector in any

county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants set on or after August 28, 2005, be reduced below the salary or compensation being paid on August 28, 2005. All actions or votes taken under the authority of section 50.333 between August 28, 2005, and December 31, 2005, shall be subject to this subsection and any such action or vote not in compliance with this subsection shall be void;”

and further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 805, Section 144.054, Page 29, Line 14, by deleting the word “**meat**” from said line and inserting in lieu thereof the following:

“animal slaughtering defined under the North American Industry Classification System (NAICS) code of 311611”; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 805, Page 9, Section 135.610, Line 54, by inserting after all of said line the following:

“137.055. 1. After the assessor's book of each county, except in the city of St. Louis **and any county with a charter form of government and with more than one million inhabitants**, shall be corrected and adjusted according to law, but not later than September twentieth, of each year, the county governing body shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on the several subjects of taxation so as to raise the required sum, and the same to be entered in the proper columns in the tax book. **In any county with a charter form of government and with more than one million inhabitants, the**

rate of taxes shall be fixed under this subsection no later than October twentieth of each year.

2. Prior to fixing the rate of taxes, as provided in this section, the county governing body shall hold a public hearing on the proposed rate of taxes. A notice stating the time and place for the hearing shall be published in at least one newspaper qualified under the laws of Missouri of general circulation in the county at least seven days prior to the date of the hearing. The notice shall include the aggregate assessed valuation by category of real, total personal and other tangible property in the county as entered in the tax book for the fiscal year for which the tax is to be levied, the aggregate assessed valuation by category of real, total personal and other tangible property in the county for the preceding taxable year, the required sums to be raised from the property tax for each purpose for which the county levies taxes as approved in the budget adopted under chapter 50, RSMo, and the proposed rate of taxes which will produce substantially the same revenues as required by the budget. Failure of any taxpayer to appear at said hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this subsection absolves county governing bodies of responsibilities under section 137.073 nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.”; and

Further amend said bill, Page 9, Section 135.610, Line 54, by inserting after all of said line the following:

“137.079. **1.** Prior to setting its rate or rates as required by section 137.073, each taxing authority shall exclude from its total assessed valuation seventy-two percent of the total amount of assessed value of business personal property that is the subject of an appeal at the state tax commission or in a court of competent jurisdiction in this state. This exclusion shall only apply to the portion of the assessed value of business personal property that is disputed in the appeal, and shall not exclude

any portion of the same property that is not disputed. If the taxing authority uses a multirate approach as provided in section 137.073, this exclusion shall be made from the personal property class. The state tax commission shall provide each taxing authority with the total assessed value of business personal property within the jurisdiction of such taxing authority for which an appeal is pending no later than August twentieth of each year, **except as provided in subsection 2 of this section.** Whenever any appeal is resolved, whether by final adjudication or settlement, and the result of the appeal causes money to be paid to the taxing authority, the taxing authority shall not be required to make an additional adjustment to its rate or rates due to such payment once the deadline for setting its rates, as provided by this chapter, has passed in a taxable year, but shall adjust its rate or rates due to such payment in the next rate setting cycle to offset the payment in the next taxable year. For the purposes of this section, the term “business personal property”, means tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property subject to the tables provided in section 137.078, the property of rural electric cooperatives under chapter 394, RSMo, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030.

2. In any county with a charter form of government and with more than one million inhabitants, the state tax commission shall provide each taxing authority with the total assessed value of business personal property within the jurisdiction of such taxing authority for which an appeal is pending no later than September first of each year.”; and

Further amend said bill, Page 33, Section 144.440, Line 18, by inserting after all of said line the following:

“164.011. 1. The school board of each district annually shall prepare an estimate of the amount of money to be raised by taxation for the ensuing school year, the rate required to produce the amount, and the rate necessary to sustain the school or schools of the district for the ensuing school year, to meet principal and interest payments on the bonded debt of the district and to provide the funds to meet other legitimate district purposes. In preparing the estimate, the board shall have sole authority in determining what part of the total authorized rate shall be used to provide revenue for each of the funds as authorized by section 165.011, RSMo. Prior to setting tax rates for the teachers' and incidental funds, the school board of each school district annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 4 of section 165.011, RSMo. Furthermore the tax rate set in the capital projects fund shall not require the reduction of the equalized combined tax rates for the teachers' and incidental funds to be less than the greater of the minimum operating levy for the current year for school purposes established under subsection 2 of section 163.021, RSMo.

2. Except as provided in subsection 3 of this section, the school board of each district shall forward the estimate to the county clerk on or before September first. In school districts divided by county lines, the estimate shall be forwarded to the proper officer of each county in which any part of the district lies.

3. The school board of each district located in any county with a charter form of government and with more than one million inhabitants shall forward the estimate to the county clerk on or before October first.

164.011. 1. The school board of each district annually shall prepare an estimate of the amount of

money to be raised by taxation for the ensuing school year, the rate required to produce the amount, and the rate necessary to sustain the school or schools of the district for the ensuing school year, to meet principal and interest payments on the bonded debt of the district and to provide the funds to meet other legitimate district purposes. In preparing the estimate, the board shall have sole authority in determining what part of the total authorized rate shall be used to provide revenue for each of the funds as authorized by section 165.011, RSMo. Except as provided in subsection 3 of this section, for the 1996-97 school year and thereafter, prior to setting tax rates for the teachers' and incidental funds, the school board of each school district annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 7 of section 165.011, RSMo, for expenditures authorized by section 177.088, RSMo, and after the following transfers if needed: in the 1996-97 school year, one-twelfth of the maximum transfer allowed by section 165.011, RSMo; in the 1997-98 school year, one-sixth of the maximum transfer allowed by section 165.011, RSMo; in the 1998-99 school year, one-half of the maximum transfer allowed by section 165.011, RSMo; and in the 1999-2000 school year and thereafter, one hundred percent of the transfers allowed by section 165.011, RSMo. Furthermore, except that the tax rate set in the capital projects fund shall not require the reduction of the equalized combined tax rates for the teachers' and incidental funds to be less than the greater of the minimum operating levy for the current year for school purposes established under subsection 2 of section 163.021, RSMo, or the 1993 tax rate as used for state aid purposes in section 163.031, RSMo, plus that portion of the full amount of any voter-approved increase in the tax rate ceiling as defined in section 137.073, RSMo, approved after the first day of January, 1994, and before the thirtieth day of March, 1994, as levied in the current year, in any school district

located in a county of the fourth classification that had an existing lease purchase arrangement for capital project purposes at the time of the election.

2. **Except as provided in subsection 4 of this section**, the school board of each district shall forward the estimate to the county clerk on or before September first. In school districts divided by county lines, the estimate shall be forwarded to the proper officer of each county in which any part of the district lies.

3. (1) For the 1997-98 school year and thereafter, prior to setting tax rates for the teachers' and incidental funds, the school board of each school district meeting the criteria specified in subdivision (2) of this subsection annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 7 of section 165.011, RSMo, for expenditures authorized by section 177.088, RSMo, and after one hundred percent of the transfers allowed by section 165.011, RSMo.

(2) Subdivision (1) of this subsection shall apply to each district which satisfies all of the following criteria:

(a) The district has a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991-92 school year; and

(b) The district passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, or approved an increase to the district's tax rate ceiling on or after June 1, 1994;

(c) The district is in compliance with or has paid all penalties required pursuant to section 165.016, RSMo, for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) The district approves, prior to July 1, 1998, a proposal to issue general obligation bonds which will cause the district's bonded indebtedness to be

no less than eighty-five percent of the maximum bonded indebtedness of the district.

4. The school board of each district located in any county with a charter form of government and with more than one million inhabitants shall forward the estimate to the county clerk on or before October first.”; and

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

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 805, Section 52.361, Page1, Line 1, by inserting before said section the following:

“21.810. 1. There is established a permanent joint committee of the general assembly to be known as the “Joint Committee on Tax Policy” which shall be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house of representatives, appointed by the speaker of the house of representatives. A majority of the members of the committee shall constitute a quorum. The members shall annually select one of the members to be the chair and one of the members to be the vice chair. The speaker of the house of representatives and the president pro tem of the senate shall appoint the respective majority members. The minority leader of the house and the minority leader of the senate shall appoint the respective minority members. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties. No major party shall be represented on the committee by more than three members from the senate nor by more than three members from the house. The committee is authorized to meet and act year round and to employ the necessary personnel within the limits of appropriations. The staff of the committee on legislative research, house research, and senate research shall provide necessary clerical, research, fiscal, and legal services to the

committee, as the committee may request.

2. It shall be the duty of the committee:

(1) To make a continuing study and analysis of the current and proposed tax policy of this state as it relates to:

- (a) Fairness and equity;
- (b) True economic impact;
- (c) Burden on individuals and businesses;
- (d) Effectiveness of tax expenditures;
- (e) Impact on political subdivisions of this state;

(f) Agreements and contracts with the federal government, other states and territories, political subdivisions, and private entities relating to the collection and administration of state and local taxes and fees;

(g) Compliance with the state and United States Constitution and federal and international law; and

(h) The effects of interstate commerce;

(2) To make a continuing study and review of the department of revenue, the department of economic development, the state tax commission, and any other state agency, commission, or state executive office responsible for the administration of tax policies;

(3) To study the effects of the coupling or decoupling with the federal income tax code as it relates to the state income tax;

(4) To make recommendations, as and when the committee deems fit, to the general assembly for legislative action or to report findings and to the departments, commissions, and offices for administrative or procedural changes;

(5) To study the effects of a sales tax holiday; [and]

(6) To examine and assess the public benefit of any tax credit program that is the subject of an

audit by the state auditor pursuant to section 620.1300, RSMo, and provide a report to the general assembly and the governor with the committee's findings and recommendations, if any, regarding such tax credit program within six months of receiving the audit report;

(7) To examine ratio studies of assessed valuation performed by the state tax commission under section 138.380, RSMo, and recommend to the general assembly any legislative action the committee deems necessary to achieve accurate assessed values for real property.

3. All state departments, commissions, and offices responsible for the administration of tax policies shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records and information requested, except individually identifiable information regarding a specific taxpayer. The committee may also consult with public and private universities and academies, public and private organizations, and private citizens in the performance of its duties. The committee may contract with public and private entities, within the limits of appropriation, for analysis and study of current or proposed changes to state and local tax policy. The committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records.”; and

Further amend said bill, Section 55.190, Page 2, Line 13, by inserting after said section the following:

“67.110. 1. Each political subdivision in the state, except counties, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing

body the following information for each tax rate to be levied: The assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by September first, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens may be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by

category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.”; and

Further amend said bill, Section 135.610, Page 9, Line 54, by inserting after said section the

following:

“137.055. 1. After the assessor's book of each county, except in the city of St. Louis, shall be corrected and adjusted according to law, but not later than September twentieth, of each year, the county governing body shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on the several subjects of taxation so as to raise the required sum, and the same to be entered in the proper columns in the tax book.

2. Prior to fixing the rate of taxes, as provided in this section, the county governing body shall hold a public hearing on the proposed rate of taxes. A notice stating the time and place for the hearing shall be published in at least one newspaper qualified under the laws of Missouri of general circulation in the county at least seven days prior to the date of the hearing. The notice shall include the aggregate assessed valuation by category of real, total personal and other tangible property in the county as entered in the tax book for the fiscal year for which the tax is to be levied, the aggregate assessed valuation by category of real, total personal and other tangible property in the county for the preceding taxable year, the required sums to be raised from the property tax for each purpose for which the county levies taxes as approved in the budget adopted under chapter 50, RSMo, [and] the proposed rate of taxes which will produce substantially the same revenues as required by the budget, **and the increase in tax revenue realized due to an increase in assessed value as a result of new construction and improvement, and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.** Failure of any taxpayer to appear at said hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this subsection absolves county governing bodies of responsibilities under section 137.073 nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax

rate calculations.

138.380. It shall be the duty of the state tax commission, and the commissioners shall have authority, to perform all duties enumerated in this section and such other duties as may be provided by law:

(1) To raise or lower the assessed valuation of any real or tangible personal property, including the power to raise or lower the assessed valuation of the real or tangible personal property of any individual, copartnership, company, association or corporation; provided, that before any such assessment is so raised, notice of the intention of the commission to raise such assessed valuation and of the time and place at which a hearing thereon will be held, shall be given to such individual, copartnership, company, association or corporation as provided in sections 138.460 and 138.470;

(2) To require from any officer in this state, on forms prescribed by the commission, such annual or other reports as shall enable said commission to ascertain the assessed and equalized value of all real and tangible property listed for taxation, the amount of taxes assessed, collected and returned, and such other matter as the commission may require, to the end that it may have complete information concerning the entire subject of revenue and taxation and all matters and things incidental thereto;

(3) To cause to be placed upon the assessment rolls at any time during the year omitted property which may be discovered to have, for any reason, escaped assessment and taxation, and to correct any errors that may be found on the assessment rolls and to cause the proper entry to be made thereon;

(4) To investigate the tax laws of other states and countries, to formulate and submit to the legislature such recommendations as the commission may deem expedient to prevent evasions of the assessment and taxing laws,

whether the tax is specific or general, to secure just, equal and uniform taxes, and improve the system of assessment and taxation in this state;

(5) To prescribe the form of all blanks and books that are used in the assessment and collection of the general property tax, except as otherwise provided by law;

(6) To oversee the education and certification of all assessors and certain assessor staff as the commission deems appropriate;

(7) Conduct periodic ratio studies to determine the quality and level of assessments of real property for each assessment jurisdiction.

[138.395. The state tax commission shall notify each school district of the equivalent sales ratio for the previous year adopted for determining the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions of school foundation formula funds at least thirty days prior to the certification of such ratio to the department of elementary and secondary education, and shall provide the school district an opportunity for a meeting with the commission, or a duly authorized agent thereof, on such ratio prior to such certification. Prior to January 1, 1997, in certifying said ratios to the department of elementary and secondary education, the commission shall certify all ratios at thirty-three and one-third percent. On and after January 1, 1997, in certifying such ratios to the department of elementary and secondary education, the commission shall certify all ratios higher than thirty-one and two-thirds percent at thirty-three and one-third percent. On and after January 1, 1998, if the state tax commission, after performing the computation of equivalent sales ratio for

the county and recomputing such computation to ensure accuracy, finds that such equivalent sales ratio for the county is less than or equal to thirty-one and two-thirds percent, the state tax commission shall reduce the county's reimbursement by fifteen percent the following year if it is not corrected by subsequent action of the state tax commission.]"; and

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

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 805, Page 33, Section 1., Line 4 by inserting after said line the following:

“Section 2. Notwithstanding the provisions of section 163.011, RSMo, for any school district located in more than one county and whose headquarters are located within a city of the fourth classification with more than two thousand five hundred but fewer than two thousand six hundred inhabitants and located in more than one county, the county signified in the school district shall be the county in the district with the highest dollar modifier.

Section B. Because immediate action is necessary for the immediate preservation of the public health, welfare, peace, and safety, the enactment of Section 2 of Section A of this act shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever later occurs.”;and

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

HOUSE AMENDMENT NO. 1 TO HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 13

Amend House Substitute Amendment 1 for

House Amendment 13 to House Committee Substitute for Senate Bill No. 805, Page 1, Line 5, after the word “state” insert thereafter the following:

“This tax holiday shall be known as the Governor Blunt Gas Tax Holiday.”; and

Further amend said bill, Line 2 by deleting the word “**may**” and insert “**shall have the authority to**”; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 805, by inserting the following:

“that the Department of Transportation may promulgate rules to suspend the state fuel tax on gasoline in this state.”

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Section 14, by inserting after said line the following:

“72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city. **Each fire protection district affected by this section may impose up to one percent sales tax as defined in section 312.552,**

RSMo.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.”; and

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

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 805, Section 1, Page 33, Line 4 by

inserting after all of said line the following:

“Section 2. 1. As used in this section, “wind energy manufacturing facility” means a facility that, through the use of wind energy, produces electricity that is intended to be sold ultimately for final use or consumption, and includes the machinery and equipment used to produce the electricity, any substation or transformers located at the facility, and any access roads required to be built to support the delivery of equipment to the facility.

2. Notwithstanding any other provision of law to the contrary, in addition to all other exemptions granted under chapter 144, RSMo, there is hereby specifically exempted from the provisions of, and from any computation of the taxes levied, assessed, and payable under, sections 144.010 to 144.525 and 144.600 to 144.761, RSMo, tangible personal property purchased and used for the purpose of constructing or repairing a wind energy manufacturing facility located in this state and incorporated into or consumed in the construction or repair of the facility. Nothing in this section shall be construed to exempt the purchase of any construction machinery, equipment, or tools used in constructing or repairing the facility.”; and

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

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 805, Section 1, Page 33, Line 4, by inserting after all of said section the following:

“Section 2. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from all local sales taxes, as defined in section 32.085, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.757, and from the computation of the tax levied, assessed, or

payable pursuant to all local sales taxes as defined in section 32.085, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.811, all admission fees charged for hunting or taking of domestically raised pheasants, partridges and quail on shooting areas licensed by the Missouri department of conservation.”; and

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

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 805, Page 7, Section 67.2510, Line 14, by inserting after said line the following:

“67.2715. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city that are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of constructing, equipping, operating, and maintaining a community center for such city, which may be funded by issuing bonds that will be retired by the revenues received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax.

2. The ballot of submission shall contain, but need not be limited to:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

“S h a l l t h e m u n i c i p a l i t y o f (municipality's name) impose a sales tax of (insert amount) for the purpose of constructing, equipping, operating, and maintaining a community center, which may include the retirement of debt under previously authorized bonded indebtedness?

YES NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”; or

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

“Shall the municipality of (municipality's name) issue bonds in the amount of (insert amount) to fund the cost of constructing, equipping, operating, and maintaining a community center impose a sales tax of (insert amount) to repay bonds?

YES NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, including when the proposal authorizes the reduction of debt under previously authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect, except that any

proposal submitted under subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality shall have no power to issue any bonds or impose the sales tax authorized in this section unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to issue any bonds or impose the sales tax authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon; however, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for constructing, equipping, operating, and maintaining a community center for such city for so long as the tax shall remain in effect. The provisions of this subsection shall apply only to taxes authorized by this section which have not been imposed to retire bonds issued under this section.

4. All revenue received by a municipality that issues bonds under this section and imposes the tax authorized by this section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of the community center. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for the operation and

maintenance of the capital improvements made with the revenue received as a result of the issuance of such bonds. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued under this section may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section that have been imposed to retire bonds issued under this section.

5. No tax imposed under this section for the purpose of retiring bonds issued under this section may be terminated until all of such bonds have been retired.

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

7. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Community Center Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall

keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city that levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

8. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

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

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

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 805, Page 29, Section 142.816, Line 282, by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the

amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal income taxes but disallowed against Missouri income taxes pursuant to this paragraph since July 1, 2002, may be carried forward and taken against any loss on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or

included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

and

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependants.

(2) In addition to the subtractions in subsection 3 of this section, qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent included in federal adjusted gross income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid. The amounts to be subtracted shall be as follows:

(a) For tax year 2006, up to twenty percent

of such qualified health insurance premiums;

(b) For tax year 2007, up to forty percent of such qualified health insurance premiums;

(c) For tax year 2008, up to sixty percent of such qualified health insurance premiums;

(d) For tax year 2009, up to eighty percent of such qualified health insurance premiums; and

(e) For tax years beginning on or after January 1, 2010, up to one hundred percent of such qualified health insurance premiums.”; and

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

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Line 14 by inserting immediately after said Line the following:

“100.050. 1. Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

- (1) A description of the project;
- (2) An estimate of the cost of the project;
- (3) A statement of the source of funds to be expended for the project;
- (4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and

(5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the

following information:

(1) A statement identifying each school district, junior college district, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153, RSMo;

(2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;

(3) An analysis of the costs and benefits of the project on each school district, junior college district, county, or city; and

(4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, junior college district, county, or city in proportion to the current ad valorem tax levy of each school district, junior college district, county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, **or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants**, if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by the municipality's treasurer or

other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.”; and

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

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Bill No. 805, Page 21, Section 142.816, Line 12, by inserting after all of said line the following:

“143.431. 1. The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 to 4 of this section, as is derived from sources within Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income the modifications to adjusted gross income provided in section 143.121 and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate dividends from sources within Missouri.

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes [and fifty percent or more of its income is derived from sources within this state as determined in accordance with section 143.451,] then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income.

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated

group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter, or with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri taxable income derived from sources within this state and in order to prevent avoidance of such tax liability.

4. [If a net operating loss deduction is allowed for the taxable year, there shall be added to federal taxable income the amount of the net operating loss modification for each loss year as to which a portion of the net operating loss deduction

is attributable.] **(1) It is the intention of operating loss shall be required to pay Missouri income tax based on Missouri additions to federal taxable income to the extent that such available and unused federal net operating losses exceed such Missouri additions. There shall be no tax due under sections 143.011 to 143.996, to the extent that the amount of any available unused federal net operating loss exceeds Missouri additions to federal taxable income in any tax year. In addition, no person shall effectively be denied an otherwise allowable depreciation deduction under the provisions of sections 143.011 to 143.996 over the life of any asset as a result of the addition adjustment to federal taxable income required by section 143.121. For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount. Federal taxable income shall be adjusted by the amount of any available federal net operating loss carry forward or carry back, as modified by this section, such that any available loss may offset a net addition modification as set forth herein. As used in this subsection, the following terms mean:**

[(1) “Loss year”, the taxable year in which there occurs a federal net operating loss that is carried back or carried forward in whole or in part to another taxable year;

(2)] **(a) “Net addition modification”, for any taxable year, the amount by which the sum of all required additions to federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required subtractions from federal taxable income provided in this chapter;**

[(3) “Net operating loss deduction”, a net operating loss deduction allowed for federal income tax purposes under Section 172 of the Internal Revenue Code of 1986, as amended, or a net operating loss deduction allowed for Missouri income tax purposes under paragraph (d) of

subsection 2 of section 143.121, but not including any net operating loss deduction that is allowed for federal income tax purposes but disallowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121;

(4)] **(b) “Net operating loss modification”, [an amount equal to the lesser of the amount of the net operating loss deduction attributable to that loss year or the amount by which the total net operating loss in the loss year is less than the sum of:**

(a) The net addition modification for that loss year; and

(b) The cumulative net operating loss deductions attributable to that loss year allowed for the taxable year and all prior taxable years.] **the amount of net operating loss deduction utilized as an offset against a net addition modification or the amount of any net subtraction modification as limited by subdivision (2) of this subsection.**

(c) **“Net subtraction modification”, for any taxable year, the amount by which the sum of all required subtractions from federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required additions to federal taxable income provided by this chapter;**

(d) **“Available net operating loss,” the amount of federal net operating loss that may be carried to the tax year for use as an offset in determining Missouri taxable income, as adjusted by the net operating loss modification.**

(2) For property purchase on or after July 1, 2002, but before July 1, 2003, Sections 143.121 (2)(c) and 143.121(3)(g) are specifically intended to allow for the deduction of depreciation expense pursuant to Section 168 of the Internal Revenue Code of 1986, as in effect on January 1, 2002. Where a subtraction modification under 143.121(3)(g) contributes to creation of a net subtraction modification, the

amount of the net subtraction modification shall be added to the amount of the available net operating loss. This adjustment shall be limited to the lesser of the amount of the net subtraction modification or the amount of the subtraction modification required by Section 143.121(3)(g).

(3) The amount of available net operating loss will be established and maintained for each tax year in which a federal net operating loss occurred. Net operating loss modifications will be made to amounts carried from any individual loss year in the order allowed under Section 143.121 (2)(d).

5. [For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount.] Subsection 4 of this section shall be effective for all tax years with a net operating loss deduction attributable to a loss year ending on or after July 1, 2002, and the net operating loss modification shall only apply to loss years ending on or after July 1, 2002.”; and

Further amend said bill by amending the title and enacting clauses accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Bill No. 805, Page 10, Section 139.031, Line 1, by inserting after “taxpayer,” the following:

“upon total payment of the current tax bill”

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Bill No. 805, Page 7, Section 67.2510, Line 14, by inserting after all of said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all

real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in

section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word “comparable” means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and

the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following [percents] **percentages** of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real

property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review

of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a “drive-by inspection” or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. [The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, shall become effective January 1, 2003, for any taxing jurisdiction within a county with a charter form of government with greater than one million inhabitants, and the provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, shall become effective October 1, 2004, for all taxing jurisdictions in this state.] Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, for the next year

of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by this act, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.”; and

Further amend said 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 House refuses to recede from its position on **SB 766**, 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 **HCS for SS for SCS for SB 894**, 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 **HCS for SS for SCS for SB 904**, 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 **SS for HCS for HB 1900**, as amended. Representatives: Dempsey, May, Pratt, LeVota and Skaggs.

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 **HCS for SS for SCS for SB 894**. Representatives: Muschany, Bearden, Cunningham (86), Aull and Corcoran.

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 SS for SB 1058**, entitled:

An Act to repeal sections 28.160, 41.950, 70.320, 105.711, 211.031, 211.093, 260.205, 347.015, 347.030, 347.039, 347.048, 347.129, 347.179, 347.189, 347.705, 347.725, 351.015, 351.047, 351.055, 351.120, 351.125, 351.127, 351.145, 351.155, 351.215, 351.370, 351.375, 351.430, 351.484, 351.576, 351.588, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.096, 355.161, 355.166, 355.176, 355.556, 355.688, 355.706, 355.761, 355.781, 355.786, 355.796, 355.801, 355.806, 355.811, 355.821, 355.856, 356.041, 356.211, 356.233, 358.020, 358.440, 358.470, 358.520, 359.011, 359.041, 359.091, 359.165, 359.501, 359.531, 374.261, 374.263, 374.265, 374.267, 375.787, 375.1012, 404.051, 404.550, 404.714, 407.300, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, 407.1227, 417.005, 417.011, 417.016, 417.018, 417.026, 417.031, 417.046, 417.210, 429.010, 429.080, 452.310, 452.340, 452.375, 452.377, 452.400, 452.402, 454.530, 456.1-103, 456.1-105, 456.1-110, 456.1-112, 456.2-204, 456.3-301, 456.3-304, 456.4-401, 456.4-402, 456.4-411A, 456.4-411B, 456.5-501, 456.5-504, 456.5-506, 456.7-703, 456.8-813, 456.8-814, 456.8-816, 473.333, 473.787, 475.092, 475.130, 475.190, 476.681, 477.005, 478.428, 479.020, 479.260, 483.245, 483.260, 484.020, 486.215, 486.225, 486.230, 486.235, 486.280, 486.385, 488.014, 488.2253, 491.170, 510.120, 516.140, 535.040, 536.010, 536.100, 559.607, 610.021, and 610.100, RSMo, and to enact in lieu thereof one hundred eighty-one new sections relating to judicial procedures and personnel, with penalty provisions, an effective date for certain sections, and an emergency clause.

With House Amendment Nos. 1, 2, 3, House Amendment No. 2 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 5 and House Amendment No. 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for

Senate Substitute for Senate Bill No. 1058, Page 1, In the Title, Line 15, by deleting the section numbers “456.4-411A, 456.4-411B,” and inserting in lieu thereof the section numbers “456.4A-411, 456.4B-411,”; and

Further amend said bill, Page 2, Section A, Line 13, by deleting the section numbers “456.4-411A, 456.4-411B,” and inserting in lieu thereof the section numbers “456.4A-411, 456.4B-411,”; and

Further amend said bill, Page 3, Section A, Line 32, by deleting the section numbers “456.4-411A, 456.4-411B,” and inserting in lieu thereof the section numbers “456.4A-411, 456.4B-411,”; and

Further amend said bill, Page 151, Section 456.3-301, Lines 11 and 12, by deleting the section number “**456.4-411A**” and inserting in lieu thereof the section number “**456.4A-411**”; and

Further amend said bill, Page 152, Section 456.4-411A, Line 1, by deleting the section number “456.4-411A” and inserting in lieu thereof the section number “**456.4A-411**”; and

Further amend said bill, Page 153, Section 456.4-411B, Line 1, by deleting the section number “456.4-411B” and inserting in lieu thereof the section number “**456.4B-411**”; and

Further amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section B, Page 199, Lines 1-4, by deleting all of said Lines and inserting in lieu thereof the following:

“Section B. The provisions of sections 28.160 to 650.120 of section A of this act are severable. If any part of sections 28.160 to 650.120 of section A of this act is declared invalid or unconstitutional, it is the intent of the legislature that the remaining portions of sections 28.160 to 650.120 of section A of this act shall remain and be in full force and effect.”; and

Further amend said Substitute, Section E,

Page 200, Lines 1-5, by deleting all of said Lines; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 1, In the Title, Line 19, by inserting at the end of said line the following:

“and sections 163.011 and 163.031 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session,”; and

Further amend said bill, Page 2, Section A, Line 17, by inserting after “RSMo,” the following:

“and sections 163.011 and 163.031 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session,”; and

Further amend said bill, Page 13, Section 105.711, Line 217, by inserting after all of said line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily

attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "Current operating expenditures":

(a) For the fiscal year 2007 calculation, "current operating expenditures" shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other

districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that

are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the

total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount

received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines **or less any decrease in the amount received for school purposes from fines in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006.** If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

"Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district

each year;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers' and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state

adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus

the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state

revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of

revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar

value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b) If a school district experiences a decrease in summer school average daily attendance of more than fifteen percent from the district's 2005-06 summer school average daily attendance in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the

percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section

163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.”;

Further amend said bill, Page 200, Section E, Line 5, by inserting after all of said line the

following:

“Section F. Because immediate action is necessary to ensure adequate funding for schools, the repeal and reenactment of sections 163.011 and 163.031 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the repeal and reenactment of sections 163.011 and 163.031 is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 163.011 and 163.031 of section A of this act shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever later occurs.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section 260.205, Page 26, Line 297, by inserting after all of said line the following:

“302.546. 1. Any person who would be qualified to receive a driver’s license under the provisions of this chapter but for conduct that occurred in another state may file a petition in circuit court directing that a restricted driver’s license be issued to such person. The petition shall specify the conduct that would otherwise prevent the issuance of the license and request the court to enter judgment directing the license to be issued.

2. The petition shall be served on the director of the department of revenue who may request counsel, including the prosecuting attorney, to enter the case on the department’s behalf.

3. The petitioner shall bear the burden of proving by clear and convincing evidence that the terms imposed by the other state are inequitable. If the petitioner meets this burden, the court may enter judgment directing a

license be issued, with the license bearing a restriction that it is valid only for purposes of driving in this state. Any such judgment shall include a method for satisfying the restrictions imposed by the other state, but the method may differ from that entered in the other state. No such judgment shall be entered that fails to give full faith and credit to the judicial judgments of the other state or that would violate section 302.600, RSMo.”; and

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

HOUSE AMENDMENT NO. 2 TO HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 1, Lines 1-2, by deleting all of said Lines; and

Further amend said Amendment, Page 1, Line 4, by deleting the word “FURTHER AMEND said bill” and inserting in lieu thereof the following:

“AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058,”; and

Further amend said Amendment, Page 1, Lines 7-8, by deleting all of said Lines; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 166, Section 477.005, Lines 1-9 by deleting all of said lines; and

Further amend said bill, Pages 170-171, Section 483.245, Lines 1-39 by deleting all of said lines; and

Further amend said bill, Pages 175-176, Section 488.2253, Lines 1-15 by deleting all of said lines; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 167, Section 479.020, Line 1, by inserting immediately preceding said line the following:

“478.529. Beginning January 1, 2007, there is hereby created a state-funded family court commissioner position in the thirty-first judicial circuit.”; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section 610.021, Pages 184-185, Lines 111-120, by deleting all of said Lines and inserting in lieu thereof the following:

“(22) Records and documents of and pertaining to internal investigations by a law enforcement agency into matters of fitness and conduct of a law enforcement officer employed by such investigating law enforcement agency used solely in connection with matters relating to the employment of such law enforcement officer, and records and documents pertaining to any determinations or actions relating to an officer’s employment status taken in connection with or following such investigations. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under section 610.100 shall apply.”; and

Further amend said Substitute, Section 610.100, Page 185, Line 29, by inserting after all of said Line the following:

“However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under this section shall apply.”; and

Further amend said bill by amending the 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 Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 904**, as amended. Representatives: Lembke, Quinn, Cooper (158), Walsh and Bringer.

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 **SB 766**, as amended. Representatives: Bruns, Nieves, Richard, Yaeger and Wright-Jones.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 31**.

HOUSE CONCURRENT RESOLUTION NO. 31

Whereas, two of this country's greatest waterways, the Mississippi River on Missouri's eastern border and the Missouri River which winds across the state, helped Missouri become a supply center for many of the westward-bound settlers of the nation's early years; and

Whereas, from the muddy Missouri to the swift and clear Jacks Fork, the hundreds of rivers and streams in Missouri snake across more than 50,000 miles of the state - more than twice the distance around the earth - providing endless recreational opportunities for Missourians, including boating, fishing, swimming, and bird watching along the bluffs bordering our many

rivers and streams; and

Whereas, shipping along the navigable rivers boosted Missouri's status as an agriculture supplier, barges and steamboats used the waterways to move goods, river towns boomed, and railroads continued to fuel the growth of Missouri as a large transportation center; and

Whereas, the Missouri Territory, and later the State of Missouri, took the name of the Missouri River which was named for the Missouri Indians who lived along the banks. The name "Missouri" means "canoe haver"; and

Whereas, the State of Missouri has many nicknames, with the most widely recognized being "The Show-Me State". Missouri is also called the "The Cave State", "The Lead State", "The Bullion State", "The Ozark State", "The Iron Mountain State", and the "Pennsylvania of the West"; and

Whereas, roads along or near both banks of the Mississippi River along its entire length have been designated as "The Great River Road" and are marked with a special road sign which depicts a ship's wheel; and

Whereas, the Great Rivers Greenway District was established in November 2000 in St. Louis City, St. Louis County, and St. Charles County to eventually develop "The River Ring" as an interconnected system of greenways, parks, and trails in the St. Louis area which will enhance the quality of life for residents and visitors; and

Whereas, from confluence of the Big Muddy and the Mighty Mississippi at the eastern portion of the state and looking north, south, or west, the State of Missouri includes the land that Meriwether Lewis and William Clark scanned as they began their journey up the Missouri River on their Voyage of Discovery in 1804, the land that is habitat for deer, turkey, bald eagles, and other wildlife, the land that is farmland abundant with agricultural crops, and the same land that held 260 billion gallons of water during the Great Flood of 1993; and

Whereas, with much of Missouri's history tied to the mighty rivers that flow through it, Missouri should also be known as the "The Great Rivers State":

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby encourage the use of the slogan "The Great Rivers State" as a slogan for the State of Missouri and urge the Division of Tourism within the Department of Economic Development to recognize and incorporate the slogan in promoting Missouri tourism; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for John Robinson, the Director of the Division of Tourism.

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 adopted **HCR 23**.

HOUSE CONCURRENT RESOLUTION NO. 23

Whereas, the federal No Child Left Behind (NCLB) Act requires states to assess all students in their state's assessment program; and

Whereas, the Act provides for a limited number of students with disabilities to be assessed with an alternate assessment, but only 1% of a school district's tested population may be counted as proficient or above using the alternate assessment; and

Whereas, this limitation results in some special needs students being included in the regular state assessment system when, in fact, their cognitive disabilities are such that they should not be assessed with their age or grade-level peers; and

Whereas, a more appropriate assessment for them might be a test that was developed for use in some grade-level below the grade in which they are classified, but the United States Department of Education regulations governing the implementation of the NCLB Act prohibit this "out of grade-level" testing; and

Whereas, the United States Department of Education has recently allowed for the inclusion of an additional 2% of students with disabilities to be assessed with a modified grade-level assessment, but this additional flexibility still prohibits "out of grade-level" testing; and

Whereas, the Individuals with Disabilities Education Improvement Act (IDEA), which predates the NCLB Act, contains requirements for assessment that must be included in the student's individualized educational program (IEP), which may not meet the requirements of the NCLB Act for assessment and thus may place the IEP team at odds with the overall NCLB assessment process and may create confusion for parents; and

Whereas, certain accommodations written into an IEP, such as reading out loud or paraphrasing, are currently not acceptable for certain assessments under NCLB procedures, thus making the student's performance on the assessment not count for NCLB purposes and denying the student an accommodation that the IEP team has documented as necessary to the child's best chances for a proficient performance; and

Whereas, Secretary Margaret Spellings has shown an admirable flexibility in permitting experimentation with alternative approaches to the NCLB Act while keeping the focus on accountability;

Now, therefore, be it resolved by the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, that the interests of the special needs students of the state would best be served by

reviewing the assessment provisions of IDEA and the NCLB Act together to eliminate contradictory objectives, so that accommodations that are appropriate to a student with an IEP do not invalidate the student's assessment results for the purposes of No Child Left Behind assessments; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Margaret Spellings, Secretary of the United States Department of Education and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SB 766**, with **HA 1**: Senators Vogel, Nodler, Champion, Coleman and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 894**, as amended: Senators Nodler, Shields, Mayer, Wilson and Days.

Senator Shields announced that photographers from the St. Joseph News-Press had been given permission to take pictures in the Chamber today.

HOUSE BILLS ON THIRD READING

HJR 55, introduced by Representative Lipke, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation and discipline of public officials.

Was taken up by Senator Crowell.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 55, Page 3, Section 3, Line 68, by striking the opening

bracket “[”; and further amend line 69 by inserting immediately after the word “by” as it appears the second time in said line the following: “**a two-thirds majority vote**”; and further amend line 70 by striking the closing bracket “]”.

Senator Shields moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Coleman, Purgason, Shields and Wheeler.

SA 1 was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Callahan	Cauthorn
Champion	Clemens	Engler	Gibbons
Griesheimer	Gross	Loudon	Nodler
Purgason	Rupp	Scott	Shields
Stouffer	Vogel—18		

NAYS—Senators

Bartle	Bray	Coleman	Crowell
Days	Dougherty	Goodman	Graham
Green	Kennedy	Klindt	Koster
Mayer	Ridgeway	Wheeler	Wilson—16

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Crowell, **HJR 55**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Cauthorn
Coleman	Days	Dougherty	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—25			

NAYS—Senators

Barnitz	Callahan	Champion	Clemens
Crowell	Engler	Loudon	Purgason
Rupp—9			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Crowell, title to the joint resolution was agreed to.

Senator Crowell moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields 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 **HCS for SCS for SB 616**, entitled:

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof four new sections relating to assisted living facilities.

With House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5 and House Amendment No. 5, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Section 198.005, Page 5, Line 113, by inserting after the word “recuperation” the following:

“except that, for purposes of receiving supplemental welfare assistance payments under section 208.030, RSMo, only any residential care facility licensed as a residential care facility II immediately prior to the effective date of section 198.073 and that continues to

meet such licensure requirements for a residential care facility II licensed immediately prior to the effective date of section 198.073 shall continue to receive after the effective date of section 198.073 the payment amount allocated immediately prior to the effective date of section 198.073 for a residential care facility II under section 208.030”; and

Further amend said Section, Page 5, Line 137 by inserting after the word “**institutional**” the following:

“with respect to construction and physical plant standards”; and

Further amend said Substitute, Section 198.073, Page 8, Line 104, by inserting after the word “**reimbursement**” the following:

“, not including residents’ cost of living increases in their benefits from the Social Security Administration after the effective date of this act,”; and

Further amend said Section, Page 8, Line 105, by deleting the words “**forty-five percent of the average total reimbursement rate for care of such persons in a skilled nursing facility**” and insert in lieu thereof the following:

“forty-one dollars per day”; and

Further amend said Section, Page 11, Line 204, by inserting after all of said Line the following:

“Any residential care facility II licensed under this chapter which does not use the term “assisted living” in the name of their licensed facility on or before May 1, 2006, shall be prohibited from using such term after August 28, 2006, unless such facility meets the requirements for an assisted living facility in subsection 4 of this section.”; and

Further amend said Section, Page 11, Lines 205-209, by deleting all of said Lines; and

Further amend said Substitute, Section 1, Page

12, Lines 1-4, by deleting all of said Lines; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 2, Section 198.006, Line 32, by inserting after the second appearance of the word “**who**” on said line the word “**may**”; and

Further amend said bill, Page 2, Section 198.006, Line 33, by deleting the words “**one or more of**”; and

Further amend said bill, Page 5, Section 198.006, Line 136, by deleting the phrase “**residential care facility I or**”; and

Further amend said bill, Page 8, Section 198.073, Line 99, by inserting after the words “**residential care facility**” the numeral “**II**”; and

Further amend said bill, Page 9, Section 198.073, Line 112, by deleting the phrase “**applying for licensure**” and inserting in lieu thereof the word “**licensed**”; and

Further amend said bill, Page 9, Section 198.073, Line 113, by deleting the phrase “**that were not licensed as a residential care facility II on August 27, 2006**” and inserting in lieu thereof the following: “**except for facilities licensed under subsection 3 of this section**”; and

Further amend said bill, Page 9, Section 198.073, Line 114, by inserting after the word “**admit**” the words “**or retain**”; and

Further amend said bill, Page 9, Section 198.073, Lines 114 and 115, by deleting the phrase “**, or remain in such facility,**”; and

Further amend said bill, Page 9, Section 198.073, Line 134, by deleting the word and number “**subsection 6**” and inserting in lieu thereof the word and number “**subsection 7**”; and

Further amend said bill, Page 11, Section 198.073, Line 202, by deleting the first appearance of the word “**facility**” on said line and inserting in lieu thereof the word “**entity**”; and

Further amend said bill, Page 11, Section 198.073, Line 211, by deleting the number “**28**” and inserting in lieu thereof the number “**27**”; and

Further amend said bill, Page 11, Section 198.073, Line 213, by inserting after the word “**Code**” the number and word “**13 or**”; and

Further amend said bill, Page 12, Section 198.073, Lines 3 and 4, by deleting the phrase “**unless licensed as an assisted living facility**”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Section 198.073, Page 8, Line 99, by inserting after the words “**residential care facility**” the following:

“**II**”; and

Further amend said Section, Page 11, Line 202, by deleting the first appearance of the word “**facility**” and inserting in lieu thereof the following:

“**entity**”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 12, Section 1, Line 4 by inserting after said line the following:

“**Section 2. The department of social services, division of medical services and the department of health and senior services,**

division of senior and disability services shall work together to implement a new Medicaid payment system for assisted living facilities defined in 198.006 RSMo. The departments shall look at possible options including but not limited to federal Medicaid waivers, state plan amendments and provisions of the federal Deficit Reduction Act of 2005 that will allow a tiered rate system via a bundled monthly rate for all services not included in the room and board function of the facility including but not limited to: adult day care/socialization activities, escort services, essential shopping, health maintenance activities, housekeeping activities, meal preparation, laundry services, medication assistance (set-up and administration), personal care services, assistance with activities of daily living and instrumental activities of daily living, transportation services, nursing supervision, health promotion and exercise programming, emergency call systems, incontinence supplies, and companion services. The amount of the personal funds allowance for the Medicaid recipient residing in an assisted living facility shall include enough money for over-the-counter medications and co-payments for Medicaid and Medicare Part D services. The departments shall work with assisted living facility provider groups in developing this new payment system. The department of social services shall submit all necessary applications for implementing this new system singularly or within a multi-service state Medicaid waiver application to the secretary of the federal Department of Health and Human Services by July 1, 2007.”; and

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

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House

Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Pages 2-3, Subsection 6 of section 198.087, by deleting all of said subsection; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 12, Line 5, by inserting immediately after all of said line the following:

“198.087. To ensure uniformity of application of regulation standards in long-term care facilities throughout the state, the department of social services shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training, and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors and surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on such evaluation, the department shall develop standards and a retraining process for the region, state, or individual inspector or surveyor, as needed;

(3) In addition to the provisions of subdivisions (1) and (2) of this section, the department shall develop a single uniform comprehensive and mandatory course of instruction for inspectors/surveyors on the practical application of enforcement of statutes,

rules, and regulations. Such course shall also be open to attendance by administrators and staff of facilities licensed pursuant to this chapter;

(4) With the full cooperation of and in conjunction with the department of health and senior services, evaluate the implementation and compliance of the provisions of subdivision (3) of subsection 1 of section 198.012 in which rules, requirements, regulations, and standards under section 197.080, RSMo, for residential care facilities II, intermediate care facilities, and skilled nursing facilities attached to an acute care hospital are consistent with the intent of this chapter. A report of the differences found in the evaluation conducted under this subdivision shall be made jointly by the departments of social services and health to the governor and members of the general assembly by January 1, 2008; and

(5) With the full cooperation and in conjunction with the department of health and senior services, develop rules and regulations requiring the exchange of information, including regulatory violations, between the departments to ensure the protection of individuals who are served by health care providers regulated by either the department of health and senior services or the department of social services;

(6) With the full cooperation of and in conjunction with the department of health and senior services, develop a pilot project to be conducted in at least one of the seven regions of the department of health and senior services in the state designed to evaluate the implementation of and compliance with section 198.073 and that the rules, requirements, regulations, and standards developed there under relating to assisted living facilities are consistent with the intent of this chapter;

(a) The pilot project survey team shall, at a minimum, consist of the following:

a. A licensed nursing home administrator who has been licensed by the state of Missouri as a nursing home administrator for at least three years and has served as an administrator of intermediate or skilled care nursing center for at least one year and who has not been terminated from any administrator's position for cause;

b. A registered nurse who has been licensed by the state of Missouri as a registered nurse for at least three years and has served as a director of nursing in an intermediate or skilled care nursing center for at least one year who has not been terminated from any director of nursing position for cause;

c. A certified nurses aide who has been certified by the state of Missouri as a certified nurses aide for at least six years and has worked served as a certified nurses aide in an intermediate or skilled care nursing center for at least three years and who has not been terminated from any certified nurses aide position for cause;

(b) The pilot project survey team shall inspect all assisted living facilities in its region to determine compliance with the stat licensing laws and regulations governing assisted living facilities;

(c) No later than January 1, 2007, the department of health and senior services shall develop a survey tool to enable the pilot project survey team to comprehensively assess during one survey for regulatory and licensing compliance for all services received by the assisted living facility resident in the assisted living facility provided by any health care provider licensed or certified by the department of health and senior services;

(d) No later than January 1, 2007, the department of health and senior services shall develop a tool to measure the impact of the shared responsibility agreement which allows

for variations in standards and policies based on the preferences of the resident or the resident's legal representative that has the potential for serious adverse outcomes on the assisted living facility residents' health and safety;

(e) Inspections or surveys under this pilot project shall begin no later than June 1, 2007.”; and

Further amend the title and enacting clause 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 **HCS No. 2 for SCS for SB 1221**, entitled:

An Act to repeal sections 50.565, 192.925, 195.017, 210.482, 217.670, 217.690, 221.040, 311.310, 311.325, 311.326, 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.5-508, 409.6-604, 409.6-607, 479.260, 488.5050, 488.5320, 491.170, 545.050, 550.040, 556.036, 561.031, 565.182, 568.070, 569.145, 570.040, 573.037, 577.020, 577.021, 577.023, 577.070, 577.500, 578.250, 578.255, 578.260, 578.265, 578.409, 595.030, 595.209, 610.105, and 650.457, RSMo, and to enact in lieu thereof fifty-nine new sections relating to crime, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 486.185, Pages 58-59, Lines 1-36, by deleting all of said Lines from the Substitute; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 409.5-508, Page 55, Line 9 by inserting immediately after the word “**criminal**” in the second instance the word “**securities**”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 409.1-102, Page 32, Lines 46-48, by deleting the following:

“that is not an “insured depository institution” as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)), or any successor federal statute”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 573.037, Page 67, Line 7, by inserting immediately after said Line the following:

“575.080. 1. A person commits the crime of making a false report if [he] **such person** knowingly:

(1) Gives false information to any person for the purpose of implicating another person in a crime; or

(2) Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or

(3) Makes a false report or causes a false

report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. Making a false report is a class **[B misdemeanor] A misdemeanor.**”; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 590.035, Page 77, Line 4 by inserting immediately after said Line the following:

“590.190. **The director is authorized to promulgate rules and regulations to implement the provisions of sections 590.010 to 590.190.** 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, 2001, shall be invalid and void.”; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 210.482, Page 25, Line 50, by inserting immediately after said Line the following:

“210.1012. 1. There is hereby created a statewide program called the “Amber Alert System” referred to in this section as the “system” to aid in the identification and location of **an abducted [persons] child.**

2. For the purposes of this section, “abducted [person] **child**” means a [person] **child** whose whereabouts are unknown and who is:

(1) Less than eighteen years of age and reasonably believed to be the victim of the crime of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

(2) Reasonably believed to be the victim of the crime of child kidnapping, as defined by section 565.115, RSMo, as determined by law enforcement; or

(3) Less than eighteen years of age and at least fourteen years of age, and who would otherwise be reasonably believed to be a victim of child kidnapping as defined by section 565.115, RSMo, as determined by law enforcement, if such person was under the age of fourteen.

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and an abduction occurs within the jurisdiction, it shall

notify the department of public safety who will notify local media in the region.

4. The Amber alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the Amber alert system shall include the department of public safety, highway patrol, department of transportation, department of health and senior services, and Missouri lottery.

5. The department of public safety shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

6. Participation in an Amber alert system is entirely at the option of local law enforcement agencies and federally licensed radio and television broadcasters.

7. Any person who knowingly makes a false report that triggers an alert pursuant to this section is guilty of a class A misdemeanor.”; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 3, Page 85, Line 3 by inserting immediately after said Line the following:

“Section 4. 1. The department of public safety has the authority to promulgate rules establishing recommended procedures for issuing missing endangered person advisories. 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, 2006, shall be invalid and void.

2. For the purposes of this section, “missing endangered person” means a person whose whereabouts are unknown and who is:

(1) Physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;

(2) Missing under circumstances indicating that the missing person’s safety may be in danger; or

(3) Missing under involuntary or unknown circumstances.”; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 565.182, Page 64, Line 8, by inserting after all of said line the following: **“565.320. 1. As used in this section the following terms shall mean:**

(1) “Crime of violence”, any crime which involved the threat or use of physical force against an elderly person;

(2) “Elderly”, a person sixty-five years of age or older.

2. Notwithstanding any other provision of law no court shall sentence a person who has pled guilty or nolo contendere to or has been found guilty of a crime of violence against the elderly to a term of imprisonment of less than

thirty consecutive days or to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he or she has served a minimum of thirty consecutive days of imprisonment.”; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 578.409, Pages 76-77, Lines 1-32, by deleting all of said Lines; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 69, Section 577.020, Line 53, by inserting after said line the following:

“Full information is limited to the following:

- (1) The type of test administered and the procedures followed;
- (2) The time of the collection of the blood, breath, or urine sample analyzed;
- (3) The numerical results of the test indicating the alcohol content of the blood, breath, or urine;
- (4) The type and status of any permit which was held by the person who performed the test;
- (5) If the test was administered by means of a breath testing instrument, the date of performance of the most required maintenance of such instrument.

Full information does not include schematics, manuals, or software of the instrument used to test the person or any other material that is not in the actual possession of the state.

Additionally, full information does not include

information in the possession of the manufacturer of the test instrument.”

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 64, Section 561.031, Line 28, by inserting immediately after said line the following:

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

(1) “Domestic assault offense”:

(a) The commission of the crime of domestic assault in the first degree [pursuant to section 565.072] or domestic assault in the second degree [pursuant to section 565.073]; or

(b) The commission of the crime of assault in the first degree [pursuant to the provisions of section 565.050] or assault in the second degree [pursuant to the provisions of section 565.060], if the victim of the assault was a family or household member; or

(c) The commission of a crime in another state, or any federal offense, or any military offense which, if committed in this state, would be a violation of any offense listed in paragraph (a) or paragraph (b) of this subdivision.

(2) “Family” or “household member”, spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(3) “Persistent domestic violence offender”, a person who has pleaded guilty to or has been found guilty of two or more domestic assault offenses, where such two or more offenses occurred within ten years of the occurrence of the domestic assault offense for which the person is charged; and

(4) “Prior domestic violence offender”, a

person who has pleaded guilty to or has been found guilty of one domestic assault offense, where such prior offense occurred within five years of the occurrence of the domestic assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent domestic violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months' imprisonment.

3. The court shall find the defendant to be a prior domestic violence offender or persistent domestic violence offender, if:

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

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

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

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

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

6. The defendant shall be accorded full rights of confrontation and cross-examination, with the

opportunity to present evidence, at such hearings.

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

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

9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

10. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior domestic violence offenders or persistent domestic violence offenders.

12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.

13. Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.

14. Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the offender is a prior domestic violence offender. The offender shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if

the court finds the offender is a persistent domestic violence offender or the prior domestic violence offender inflicts serious physical injury on the victim.

15. Any person who has pleaded guilty to or been found guilty of a violation of section 565.073 shall be sentenced:

(a) To the authorized term of imprisonment for a class B felony if the court finds the offender is a prior domestic violence offender; or

(b) To the authorized term of imprisonment for a class A felony if the court finds the offender is a persistent domestic violence offender; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 568.070, Page 65, Lines, 17 and 18, by deleting all of said lines and inserting in lieu thereof the following words, **“video game which contains the mutilation of body parts, gore, depictions of human injury”**;

Further amend said section, Page 65, Line 25, by deleting the following words, **“rated M or AO”** and inserting in lieu thereof the following words, **“as described by this section”**;

Further amend said section, Page 66, Lines, 43 and 44, by deleting the words, **“rated M or AO”** and inserting in lieu thereof the following words, **“as described by this section”**;

Further amend said section, Page 66, Lines 45 and 46, by deleting all of said lines and inserting in lieu thereof the following words, **“2. Unlawful transactions with a child is a class B misdemeanor.”**; and

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

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 83, Section 610.105, Line 17, by inserting immediately after said line the following:

“650.340. 1. The provisions of this section may be cited and shall be known as the “911 Training and Standards Act”.

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator. 16 hours;
- (2) Fire telecommunicator. 16 hours;
- (3) Emergency medical services telecommunicator 16 hours;
- (4) Joint communication center telecommunicator 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least [sixteen] **twenty-four** hours of ongoing training every [two] **three** years by such persons or organizations as provided in subsection 6 of this section. **The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590, RSMo.**

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which are at least as stringent as the training requirements of subsection 2 of this section.

6. The department of public safety shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, RSMo, or a person trained by an entity accredited or certified under section 190.131, RSMo, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134, RSMo.”; and

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

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 29, Section 221.040, Line 7 by inserting after said line the following:

“304.230. 1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections.

2. The sheriff or any peace officer or any highway patrol officer is hereby given the power to stop any such conveyance or vehicle as above described upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof he or she

shall have a right at that time and place to cause the excess load to be removed from such vehicle; and provided further, that any regularly employed maintenance man of the department of transportation shall have the right and authority in any part of this state to stop any such conveyance or vehicle upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that time and place to cause the excess load to be removed from such vehicle. When only an axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift the load, if this will not overload some other axle or axles, without being charged with a violation; provided, however, the privilege of shifting the weight without being charged with a violation shall not extend to or include vehicles while traveling on the federal interstate system of highways. When only an axle or tandem axle group of the vehicle traveling on the federal interstate system of highways is overloaded and a court authorized to enforce the provisions of sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the load changing axle weights in transit through no fault of the operator of the vehicle and that the load thereafter had been shifted so that no axle had been overloaded, then the court may find that no violation has been committed. The operator of any vehicle shall be permitted to back up and reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle is weighed and found to be within five percent of any legal limit may request and receive a weight ticket, memorandum or statement showing the weight or weights on each axle or any combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after having been weighed on any state scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that cargo or fuel has

been added if upon reweighing on another state scale the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The highways and transportation commission of this state may deputize and appoint any number of their regularly employed maintenance men to enforce the provisions of such sections, and the maintenance men delegated and appointed in this section shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution by such proper officers.

3. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to supervise or operate permanent or portable weigh stations used in the enforcement of commercial vehicle laws. These persons shall be designated as commercial vehicle inspectors and have limited police powers:

(1) To issue uniform traffic tickets at a permanent or portable weigh station for violations of rules and regulations of the division of motor carrier [and railroad safety of the department of economic development] **services of the highways and transportation commission** and department of public safety, and laws, rules, and regulations pertaining to commercial motor vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and the provisions of sections 303.024 and 303.025, RSMo;

(2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations;

(3) To make arrests for violation of

subdivisions (1) and (2) of this subsection. Commercial vehicle inspectors shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the superintendent of the Missouri state highway patrol; nor shall they have the right as peace officers to bear arms.

4. The superintendent of the Missouri state highway patrol may appoint qualified persons, who are not members of the highway patrol, designated as commercial vehicle enforcement officers, with the powers:

(1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the provisions of sections 303.024 and 303.025, RSMo;

(2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations;

(3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this subsection. **Commercial vehicle officers selected and designated as peace officers by the superintendent of the Missouri state highway patrol are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests solely for violations under the powers granted in subdivisions (1) to (3) of this subsection.** Commercial vehicle enforcement officers shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the

superintendent of the Missouri state highway patrol **and have completed the mandatory standards for the basic training and licensure of peace officers established by the peace officers standards and training commission under subsection 1 of section 590.030, RSMo. Commercial vehicle officers who are employed and performing their duties on August 28, 2006, shall have until July 1, 2010, to comply with the mandatory standards regarding police officer basic training and licensure.** Commercial vehicle enforcement officers shall have the right as peace officers to bear arms.

5. Any additional employees needed for the implementation of this section shall be hired in conformity with the provisions of the federal fair employment and antidiscrimination acts.

6. Any part of this section which shall be construed to be in conflict with the axle or tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.”; and

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

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 56.087, Page 3, Line 17 by inserting immediately after said Line the following:

“174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712**, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control.

174.703. **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as proscribed in chapter 304, RSMo. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as prescribed by chapter 590, RSMo, for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590, RSMo, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to

protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control devices, as defined in section 300.010, RSMo, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, RSMo, with penalty provisions as provided in section 304.570, RSMo. Points assessed against any person under section 302.302, RSMo, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577, RSMo. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.”; and

Further amend said Substitute, Section

491.170, Page 62, Line 18 by inserting immediately after said Line the following:

“544.157. 1. Any law enforcement officer certified pursuant to chapter 590, RSMo, of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police, any commissioned member of the Missouri state park rangers, **any college or university police officer**, and any authorized agent of the Missouri state water patrol in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's, state park ranger's, **college or university police officer's**, or water patrol officer's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred.

2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's

appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer.

3. The term “fresh pursuit”, as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. “Fresh pursuit” as used herein shall imply instant pursuit.

4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards:

(1) There shall be supervisory control of the pursuit;

(2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit;

(3) There shall be procedures for coordinating operation with other jurisdictions; and

(4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.”; and

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

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 565.182, Page 64, Lines 1-8 by deleting all of said Lines from the Substitute; and

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

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Page 73, Section 577.023, Line 124 by inserting after said line the following:

“577.029. A licensed physician, registered nurse, or trained medical technician at the place of his **or her** employment, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his **or her** good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. [A nonalcoholic antiseptic shall be used for cleansing the skin prior to venapuncture.] Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him **or her**.”; and

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

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 488.5050, Page 60, Line 1, by inserting immediately preceding all of said Line the following:

“488.5025. 1. In addition to any other assessment authorized by law, a court may assess a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine, sanction, or court costs on a time- payment basis, including restitution and juvenile monetary assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine, sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other enforcement provisions authorized by law.

2. Ten dollars of the time-payment fee collected pursuant to this section shall be payable to the clerk of the court of the county, **or clerk of the court of the municipality**, from which such fee was collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the court en banc of any such county to be utilized by the court **where such fine is collected** to improve, maintain, and enhance the ability to collect and manage moneys assessed or received by the courts, to improve case processing, enhance court security, preservation of the record, or to improve the administration of justice. Eight dollars of the time-payment fee shall be deposited in the statewide court automation fund pursuant to section 476.055, RSMo. Seven dollars of the time-payment fee shall be paid to the director of revenue, to be deposited to the general revenue fund.”; and

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

accordingly.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221, Section 610.105, Page 83, Line 1, by inserting immediately preceding all of said Line the following:

“610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely

affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before

the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental

body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in

disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, 2008;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; and

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

(22) Records and documents of and pertaining to internal investigations by a law enforcement agency into matters of fitness and conduct of a law enforcement officer employed by such investigating law enforcement agency used solely in connection with matters relating to the employment of such law enforcement officer, and records and documents pertaining to any determinations or actions relating to an officer's employment status taken in connection with or following such investigations. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under section 610.100 shall apply.”; and

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) “Arrest”, an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) “Arrest report”, a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) “Inactive”, an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

(a) A decision by the law enforcement agency not to pursue the case;

(b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

(c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or

expiration of all rights of appeal of such persons;

(4) “Incident report”, a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

(5) “Investigative report”, a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

(6) Investigative reports and incident reports, or other law enforcement records covered under this section, shall not include any records or documents pertaining to internal investigations by law enforcement agencies into matters of fitness and conduct of law enforcement officers employed by such investigating law enforcement agencies and used solely in connection with such officers' employment, as described in subdivision (22) of section 610.021. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under this section shall apply.

2. Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, RSMo, investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive. If any person is arrested and not charged with an

offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness

or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of the information contained in an investigative report be released to the person bringing the action. In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity. The investigative report in question may be examined by the court in camera. The court may find that the party seeking disclosure of the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has

knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566, RSMo, may request that his or her identity be kept confidential until a charge relating to such incident is filed.”; and

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

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conferee change to **HCS** for **SS** for **SCS** for **SB 894**, as amended: Senator Rupp to replace Senator Mayer.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 904**, as amended: Senators Griesheimer, Klindt, Koster, Wheeler and Coleman.

PRIVILEGED MOTIONS

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 616**, 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 Loudon moved that the Senate refuse to concur in **HCS** for **SS** for **SB 1058**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, and the conferees be allowed to exceed the differences in Chapter 420, which motion prevailed.

Senator Goodman moved that the Senate refuse to concur in **HCS No. 2** for **SCS** for **SB 1221**, 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 Gross moved that the Senate refuse to concur in **HCS** for **SB 805**, 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 Shields, the Senate recessed until 1:45 p.m.

RECESS

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

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 **HCS** for **SS** for **SCS** for **SB 825**, as amended, entitled:

An Act to amend chapter 70, RSMo, by adding thereto seven new sections relating to the Kansas and Missouri Regional Investment District Compact.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute

for Senate Bill No. 825, Section 70.515, Page 9, Line 268 by deleting the word “**count**” on said line and inserting in lieu thereof the word “**county**”;

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 825, Page 3, Section 70.515, Line 69, by inserting after the word “**elected**” the word “**chief**”; and

Further amend said bill, Page 5, Section 70.515, Line 133, by deleting all of said line and inserting in lieu thereof the following: “**the Eligible Uses set forth in Article VIII of this**”; and

Further amend said bill, Page 5, Section 70.515, Line 144, by deleting the word “**reviewed**” and inserting in lieu thereof the word “**renewed**”; and

Further amend said bill, Page 5, Section 70.515, Line 146, by inserting after “**Article IX,**” the word “**Section**”; and

Further amend said bill, Page 5, Section 70.515, Line 149, by deleting all of said line and inserting in lieu thereof the following: “**the date or dates by which the election shall be held**”; and

Further amend said bill, Page 6, Section 70.515, Line 175, by deleting all of said line and inserting in lieu thereof the following: “**guidelines shall be consistent with the Program**”; and

Further amend said bill, Page 6, Section 70.515, Line 176, by inserting after “**Article IV,**” the word “**Section**”; and

Further amend said bill, Page 6, Section 70.515, Line 180, by deleting all of said line and inserting in lieu thereof the following: “**Committee shall direct to implement the Program Plan developed for an approved**”; and

Further amend said bill, Page 7, Section 70.515, Lines 214 and 215, by deleting all of said lines and inserting in lieu thereof the following: “**A Program Plan developed by the Commission shall be available to the public for review and comment in advance of dates set by the Commission for submission**”; and

Further amend said bill, Page 8, Section 70.515, Line 237, by inserting after “**District**” the following: “**, with such tax to extend no longer than(insert years not to exceed fifteen) years following the first receipt by the county treasurer of revenue from such tax**”; and

Further amend said bill, Page 9, Section 70.515, Line 268, by deleting the word “**count**” and inserting in lieu thereof the word “**county**”; and

Further amend said bill, Page 9, Section 70.515, Line 275, by deleting the word “**subject**”; and

Further amend said bill, Page 9, Section 70.515, Line 280, by deleting the word “**section**” and inserting in lieu thereof the word “**Compact**”; and

Further amend said bill, Page 10, Section 70.515, Line 313, by deleting all of said line and inserting in lieu thereof the following: “**subdivisions of the states of Missouri or Kansas and/or local units of government in the**”; and

Further amend said bill, Page 10, Section 70.515, Line 322, by deleting the word “**each**” and inserting in lieu thereof the word “**a**”; and

Further amend said bill, Page 11, Section 70.515, Line 358, by deleting the word “**Commissioners**” and inserting in lieu thereof the word “**Commission**”; and

Further amend said bill, Page 12, Section 70.515, Line 373, by deleting the word “**each**” and inserting in lieu thereof the word “**an**”; and

Further amend said bill, Page 13, Section

70.515, Line 406, by deleting all of said line and inserting in lieu thereof the following: **“the Commission, in addition to the sales tax authorized by this Compact, may be raised by the governing bodies of the respective counties by the”**; and

Further amend said bill, Page 13, Section 70.515, Line 407, by inserting after **“authorized”** the following: **“by those counties or cities in those counties or”**; and

Further amend said bill, Page 15, Section 70.535, Lines 39 and 40, by deleting all of said line and inserting in lieu thereof the following: **“unless renewed by the qualified electors of that county prior to its expiration, or on the date”**; and

Further amend said bill, Page 16, Section 70.535, Line 51, by deleting all of said line and inserting in lieu thereof the following: **“4. Notwithstanding the provisions of section 99.845, RSMo, to the”**; 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 **HCS for SS for SCS for SB 590**, entitled:

An Act to repeal sections 161.032, 172.287, 173.005, 173.616, 174.450, 174.453, 174.500, and 178.870, RSMo, and to enact in lieu thereof fourteen new sections relating to higher education, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as

amended and House Amendment No. 4.

**HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1**

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 2, Line 4, by inserting after said line the following:

“Section 4. Any assets or funds from the proceeds, fees or revenues, however such assets or funds were acquired, of the higher education loan authority established pursuant to section 173.360, RSMo, that are transferred to or used by the state or any department, division, agency or board of the state, shall not be used in connection with any activity prohibited by section 196.1127, RSMo.”; and

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

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 19, Section 2, Line 80, by inserting after all of said amendment the following:

“Section 3. 1. There is hereby created in the state treasury the “Missouri Legacy Fund”, which shall consist of moneys collected under this section. The Missouri higher education savings program board shall administer the fund. The fund may receive moneys from appropriations by the general assembly, transfers from the abandoned fund account established in section 447.543, RSMo, interest receipts, donations, or any other payments made by any public or private entity. Moneys in the fund shall be used solely for the purposes of this section. The state treasurer shall invest moneys in the fund in accordance with rules promulgated under chapter 536, RSMo. Any interest and moneys earned on such investments shall be credited to the fund, and such interest

shall be used solely to provide college financial assistance to participants in Missouri's qualified state tuition program under Section 529 of the Internal Revenue Code of 1986, as amended, and for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

2. Notwithstanding any other provision of law to the contrary, beginning August 28, 2006, and each fiscal year thereafter, the first twenty-two million five hundred thousand dollars of net transfers from the abandoned fund account established in section 447.543, RSMo, shall be transferred to the general revenue fund, and any amount in excess of twenty-two million five hundred thousand dollars shall be transferred from the abandoned fund account to the Missouri legacy fund.”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section 173.858, Line 5 of said Amendment, by inserting immediately after the word “state” the following:

“, located in whole or in part in a city not within a county and having an enrollment of at least seven thousand full time equivalent students” ; and

Further amend said Amendment, Page 2, Section 173.858, Line 10 of said Amendment, by inserting after immediately after all of said Line the following:

“Amend said bill, Section 174.500, Page 16, Line 11, by inserting immediately after all of said

line the following:

‘174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712**, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control.

174.703. 1. The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. **The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as proscribed in chapter 304, RSMo.** The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police

officers as prescribed by chapter 590, RSMo, for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590, RSMo, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control devices, as defined in section 300.010, RSMo, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, RSMo, with penalty provisions as provided in section 304.570, RSMo. Points assessed against any person under section 302.302, RSMo, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply

only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577, RSMo. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.’
“; and

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

**HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 2**

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 590, Page 2, Line 3, by deleting the following:

“Or within six months after appointment,”;
and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 13, Section 173.616, Line 49, and inserting after all of said line the following:

“173.858. 1. The governing board of any private not-for-profit college or university authorized to do business in this state and which meets the standards of the North Central Association of Colleges and Secondary Schools may appoint and employ as many college or university police officers as it may deem necessary to protect persons, property, and to preserve peace and good order in the buildings, properties, grounds, and other facilities and

locations over which it has charge or control.

2. The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the governing board of the college or university and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment under the seal of the board which certificate shall empower such officer with the same authority to maintain order, preserve peace, and make arrests as is given to peace officers. The college or university police officer may, in addition, expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be prescribed by the board or others under the authority of the board. Such officer as may be designated by the board shall have immediate charge, control, and supervision of college police officers appointed by authority of this section. Such college police officers shall, before appointment, or within six months after appointment, be certified peace officers under chapter 590, RSMo. All commissioning of officers shall be under the direction of the director of the Department of Public Safety pursuant to sections 590.010 to 590.050. The reasonable administrative costs of said commissioning shall be born by the private not-for-profit college or university.

3. Nothing in this section shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized in this section.”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Line 10, by inserting after “**March 10, 2006,**” on said line the following:

“Or any similar resolution adopted by the authority”

Further amend said amendment, Page 2, Line 1, by inserting after the word “**issued.**” on said line the following:

“The analysis required by this section shall be a public record and shall be transmitted to the general assembly upon receipt by the authority.”

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Line 4 of the Title, by inserting after the word “provisions” the following:

“, with an emergency clause for a certain section” ; and

Further amend said bill, Page 12, Section 173.270, Line 51 by inserting after said line the following:

“173.450. Prior to any sale, transfer or liquidation of any asset, or agreement to sell, transfer, or liquidate any asset pursuant to a resolution adopted by the Missouri Higher Education Loan Authority on January 31, 2006, and readopted by the authority on March 10, 2006, the authority shall hire an independent firm to conduct an analysis of the financial and legal ramifications of the proposed sale. The financial analysis of the proposed sale shall include an actuarial analysis along with individualized findings as to the effect the proposed sale will have on the authority itself and the effect such sale will have on loan interest rates for current and future student borrowers. The legal analysis shall include

findings as to the effect of the proposed sale on the status and securitization of taxable and tax-exempt bonds issued by the authority, the impact of the proposed sale on the holders of such taxable and tax-exempt bonds, and the legality of the use of funds generated from the sale of tax-exempt bonds for purposes other than those for which the bonds were issued.” ; and

Further amend said bill, Page 19, Section 2, Line 80, by inserting after all of said line the following:

“Section B. Because of the need to provide for timely review, the enactment of section 173.450 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.450 shall be in full force and effect upon its passage and approval.” ; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section A, Line 4, by inserting after all of said line the following:

“160.545. 1. There is hereby established within the department of elementary and secondary education the “A+ Schools Program” to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational

or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the

recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school

district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. **Within the limits established in subsection 8 of this section**, the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or **any public or private** vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of

said board.

7. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

8. For private vocational or technical schools to obtain reimbursements under subsection 6 of this section the following requirements must be satisfied:

(1) Such institutions shall both be members of the north central association and be accredited by the higher learning commission as of July 1, 2006, and maintain such accreditation;

(2) Such institutions shall be designated as 501(c)(3) nonprofit organizations under the Internal Revenue Code of 1986, as amended;

(3) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such community college; and

(4) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment of the United States Constitution.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **HCS for HB 1149**, with **SCS No. 2**, **SS for SCS No. 2** and **SA 5**

(pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Klindt, **SS for SCS No. 2 for HCS for HB 1149** was withdrawn, rendering **SA 5** moot.

SCS No. 2 for HCS for HB 1149 was taken up.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 1, Section A, Line 4, of said page, by inserting after all of said line the following:

“67.1848. All public water supply districts, sewer districts, and municipalities, including villages, shall have the right to lay, install, construct, repair, and maintain sewer and water lines in public highways, roads, streets, and alleys, subject to the reasonable rules and regulations of governmental bodies having jurisdiction of such public places. Due regard shall be taken for the rights of the public in its use of thoroughfares and equal rights of other utilities thereto.

227.240. 1. The location and removal of all telephone, cable television, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, **municipality, public water supply district, sewer district**, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission.

2. A cable television corporation or company

shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway.

3. The commission or some officer selected by the commission shall serve a written notice upon the **entity**, person or corporation owning or maintaining any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be maintained. The notice shall also state the time when the work of hard surfacing said roads is proposed to commence, and shall further state that a hearing shall be had upon the proposed plan of location and matters incidental thereto, giving the place and date of such hearing. Immediately after such hearing the said owner shall be given a notice of the findings and orders of the commission and shall be given a reasonable time thereafter to comply therewith; provided, however, that the effect of any change ordered by the commission shall not be to remove all or any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the highway. The removal of the same shall be made at the cost and expense of the owners thereof unless otherwise provided by said commission, and in the event of the failure of such owners to remove the same at the time so determined they may be removed by the state highways and transportation commission, or under its direction, and the cost thereof collected from such owners, and such owners shall not be liable in any way to any person for the placing and maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed by the commission.

4. The commission is authorized in the name of the state of Missouri to institute and maintain,

through the attorney general, such suits and actions as may be necessary to enforce the provisions of this section. Any corporation, association or the officers or agents of such corporations or associations, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed guilty of a misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute No. 2 for House Committee Substitute for House Bill No. 1149, Page 17, Section 644.589, Line 6, by inserting immediately after all of said line the following:

“701.450. 1. For any facility for which construction commences after August 28, 1995, which is constructed as a place of assembly for public amusement including, but not limited to, sports stadiums and arenas, auditoriums and assembly halls, there shall be provided an equal number of water closets for women as there are the number of water closets and urinals provided for men, and there shall be provided an equal number of diaper changing stations for men as there are the number provided for women.

2. Each facility described in subsection 1 of this section constructed or under construction prior to August 28, 1995, shall provide water closets in the same ratio as required in subsection 1 of this section whenever such facility undergoes major structural renovation.

3. As used in subsection 2 of this section, the term “major structural renovation” means any reconstruction, rehabilitation, addition or other

improvement which required more than fifty percent of the gross floor area of the existing facility to be rebuilt. The provisions of this act shall only apply to such portions of the building being renovated and not to the entire building.

4. Notwithstanding any other provision of this section to the contrary, if any facility described in subsection 1 of this section located in any city not within a county is constructed in compliance with the requirements of the applicable building and plumbing codes of such city related to the minimum number of water closets that are designated for women, such facility shall not be required to comply with the requirements of subsection 1 of this section until one year following the date of its substantial completion.”;

And further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SCS No. 2** for **HCS for HB 1149**, as amended, be adopted, which motion prevailed.

Senator Klindt moved that **SCS No. 2** for **HCS for HB 1149**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Gibbons referred **SCS No. 2** for **HCS for HB 1149**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Gibbons moved that **SB 1023**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 1023, as amended, entitled:

An Act to repeal sections 488.5050, 650.050, 650.055, 650.056, 650.057, and 650.100, RSMo, and to enact in lieu thereof seven new sections relating to exoneration using DNA testing, with

penalty provisions.

Was taken up.

Senator Gibbons moved that **HCS for SB 1023**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, **HCS for SB 1023**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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 Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Nodler moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 590**, 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.

HOUSE BILLS ON THIRD READING

HCS for **HB 1837**, with **SCS**, entitled:

An Act to repeal sections 383.010, 383.035, 383.079, 383.105, 383.110, 383.115, 383.125, 383.160, and 383.165, RSMo, and to enact in lieu thereof twenty-two new sections relating to malpractice insurance.

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

SCS for **HCS** for **HB 1837**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1837

An Act to repeal sections 383.010, 383.035, 383.105, and 383.110, RSMo, and to enact in lieu thereof thirteen new sections relating to malpractice insurance.

Was taken up.

Senator Loudon offered **SS** for **SCS** for **HCS** for **HB 1837**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1837

An Act to repeal sections 374.046, 383.010,

383.035, and 383.105, RSMo, and to enact in lieu thereof eighteen new sections relating to malpractice insurance.

Senator Loudon moved that **SS** for **SCS** for **HCS** for **HB 1837** be adopted.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1837, Page 20, Section 383.016, Line 3, by inserting at the end of said line the following: “**and**”; and

Further amend said bill and section, Page 20, Lines 4 to 8 of said page, by striking said lines and inserting in lieu thereof the following: “**(e) How such assessments apply to members and former members.**”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS** for **SCS** for **HCS** for **HB 1837**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **HCS** for **HB 1837**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Wilson—32

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

Senator Shields 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 adopted the Conference Committee Report on **SCS** for **HCS** for **HBs 1270** and **1027**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HBs 1270** and **1027**.

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 **HCS** for **SS** for **SB 1058**, as amended, and grants the Senate a conference thereon and the House conferees are allowed to exceed the differences on Chapter 420.

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 **HCS** for **SCS** for **SB 616**, 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 **HCS** **No. 2** for **SCS** for **SB 1221**, 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 **HCS** for **SB 805**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 616**, as amended: Senators Stouffer, Alter, Ridgeway, Bray and Green.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** **No. 2** for **SCS** for **SB 1221**, as amended: Senators Goodman, Crowell, Bartle, Green and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 805**, as amended: Senators Gross, Crowell, Goodman, Green and Kennedy.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 1058**, as amended: Senators Loudon, Bartle, Rupp, Wheeler and Dougherty.

MESSAGES FROM THE HOUSE

The following message was 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 adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290**.

Emergency clause adopted.

On motion of Senator Shields, the Senate

recessed until 3:30 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS No. 2** for **HCS** for **HB 1149**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **SCS No. 2** for **HCS** for **HB 1149**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Klindt, **SCS No. 2** for **HCS** for **HB 1149**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senator Dougherty—1

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President Pro Tem declared the bill

passed.

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

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

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

Senator Shields announced that photographers from the St. Louis Post-Dispatch had been given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Vogel moved that the conference be dissolved on **SB 766**, with **HA 1** and the Senate request the House to recede from its position on **HA 1** and take up and pass **SB 766**, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 1698, 1236, 995, 1362** and **1290** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1698, 1236, 995, 1362 and 1290

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362, and 1290, with Senate Amendment Nos. 2, 3, 4, 5, 6, and 7, 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 Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362, and 1290, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362, and 1290;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362, and 1290, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Matt Bartle	/s/ Scott A. Lipke
/s/ Chris Koster	/s/ Steven Tilley
/s/ Michael R. Gibbons	/s/ Kenny Jones
/s/ Rita Heard Days	/s/ Connie Johnson
/s/ Victor E. Callahan	/s/ Rick Johnson

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

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Scott assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Bartle, CCS for SS for

SCS for HCS for HBs 1698, 1236, 995, 1362 and 1290, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1698, 1236, 995,
1362 and 1290

An Act to repeal sections 43.650, 217.735, 544.671, 547.170, 556.061, 558.018, 559.100, 559.106, 566.010, 566.020, 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.086, 566.090, 566.145, 566.147, 566.151, 568.020, 573.010, 575.195, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, 589.425, 600.042, 632.484, 632.489, 632.495, 632.498, 632.501, 632.504, and 632.507, RSMo, and to enact in lieu thereof fifty-three new sections relating to sexual offenders, with penalty provisions and an emergency clause.

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

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the

following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—None

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

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

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

HOUSE BILLS ON THIRD READING

Senator Goodman moved that **HCS** for **HB 978**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 978** was again taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 978** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HCS** for **HB 978** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President Pro Tem declared the bill passed.

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

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

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

CONFERENCE COMMITTEE REPORTS

Senator Cauthorn, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HBs 1270** and **1027** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1270 and 1027

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 and 1027, with Senate Amendment No. 2, Senate Amendment No. 5, and Senate Amendment No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 and 1027, as

amended;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1270 and 1027;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 and 1027, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John Cauthorn	/s/ Robert Behnen
/s/ David Klindt	/s/ Robert Thane Johnson
/s/ Charles Shields	/s/ Peter Myers
/s/ Timothy P. Green	/s/ Martin T. Rucker
/s/ Frank A. Barnitz	/s/ Wes Shoemyer

President Kinder assumed the Chair.

Senator Griesheimer assumed the Chair.

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

YEAS—Senators

Alter	Barnitz	Bray	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bartle	Callahan	Purgason	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Cauthorn, **CCS** for **SCS** for **HCS** for **HBs 1270** and **1027**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NOS. 1270 and 1027

An Act to repeal section 142.031, RSMo, and to enact in lieu thereof two new sections relating to ethanol blend fuel.

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

YEAS—Senators

Alter	Barnitz	Bray	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bartle	Callahan	Purgason	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 894**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 894

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, with House Amendments Nos 1, 2 and 4, House Amendments Nos. 1 and 2 to House Amendment No. 5, and House Amendment No. 5, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 894;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Gary Nodler	/s/ Scott Muschany
/s/ Scott Rupp	/s/ Carl Bearden
/s/ Charlie Shields	/s/ Jane Cunningham
/s/ Rita Heard Days	/s/ Joe Aull
/s/ Yvonne S. Wilson	/s/Michael G. Corcoran

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

YEAS—Senators			
Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Griesheimer

Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators		
Bartle	Green	Purgason—3

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **HCS** for **SS** for **SCS** for **SB 894**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 894

An Act to repeal sections 163.011, 163.021, and 163.031 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof seven new sections relating to education.

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

YEAS—Senators			
Alter	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—29			

NAYS—Senators			
Barnitz	Bartle	Green	Purgason—4

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

Senator Shields 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 adopted the Conference Committee Report on **SS No. 2** for **HCS** for **HB 1456**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **HCS** for **HB 1456**.

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 **HCS** for **SS** for **SB 1058**, as amended. Representatives: Pratt, Flook, Yates, Johnson (90) and Wright-Jones.

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 **HCS** **No. 2** for **SCS** for **SB 1221**, as amended. Representatives: Lipke, Bruns, Jones, Roorda and Wright-Jones.

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 **SS** for **SCS** for **HCS** for **HB 1306**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 1306**.

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 **SS** for **HCS** for **HB 1900**, as amended, and has taken up and passed **CCS** for **SS** for **HCS** for **HB 1900**.

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HB 1900**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1900

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 1900, with Senate Substitute Amendment No. 1 for Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 1 to Senate Amendment No. 4, Senate Amendment No. 4 as amended, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5 as amended, and Senate Amendment No. 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 Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 1900, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No.

1900;

3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 1900, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles Shields	/s/ Tom Dempsey
/s/ Michael R. Gibbons	/s/ Bob May
/s/ Delbert Scott	/s/ Bryan Pratt
/s/ Timothy P. Green	Paul LeVota
/s/ Rita Heard Days	Trent Skaggs

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

President Pro Tem Gibbons assumed the Chair.

Senator Graham offered a substitute motion that the Senate refuse to adopt the Conference Committee Report and request the House to grant further conference and that the conferees be bound to the language contained in **SA 5**.

Senator Bray offered **SA 1** to the substitute motion offered by Senator Graham, that the conferees be instructed to recede from the Senate position, and adopt the House position, on restoring contribution limits.

Senator Bray moved that **SA 1** to the substitute motion be adopted, which motion failed.

Senator Graham moved that his substitute motion be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Days and Wilson.

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

YEAS—Senators			
Barnitz	Bray	Callahan	Champion
Coleman	Days	Dougherty	Graham
Kennedy	Wilson—10		

NAYS—Senators

Alter	Bartle	Cauthorn	Clemens
Crowell	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

President Kinder assumed the Chair.

Senator Shields moved that the Conference Committee Report on **SS** for **HCS** for **HB 1900** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—26		

NAYS—Senators

Barnitz	Bray	Coleman	Dougherty
Graham	Kennedy	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Shields, **CCS** for **SS** for **HCS** for **HB 1900**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1900

An Act to repeal sections 105.470, 105.473,

105.485, 105.957, 105.959, 105.963, 130.011, 130.016, 130.032, 130.046, 130.050, and 130.054, RSMo, and to enact in lieu thereof sixteen new sections relating to ethics, with an effective date.

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

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—28

NAYS—Senators

Bray	Coleman	Dougherty	Graham
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Wilson—5

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Koster moved that **SS** for **SCS** for **SB 825**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 825**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 825

An Act to amend chapter 70, RSMo, by

adding thereto seven new sections relating to the Kansas and Missouri Regional Investment District Compact.

Was taken up.

Senator Koster moved that **HCS** for **SS** for **SCS** for **SB 825**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel

Wilson—29

NAYS—Senator Callahan—1

Absent—Senators

Dougherty	Green	Klindt—3
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Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Koster, **HCS** for **SS** for **SCS** for **SB 825**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Callahan	Purgason	Ridgeway—3
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Absent—Senators

Dougherty	Green	Klindt—3
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Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 696**, as amended, moved that the following conference committee report be taken up.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 696

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 696, with House Amendments Nos. 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, and 24, 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 Substitute for Senate Bill No. 696, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 696;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 696, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Gary Nodler

/s/ Tim Flook

/s/ John E. Griesheimer

/s/ Ronald Richard

/s/ Jack A.L. Goodman

/s/ David Pearce

/s/ Timothy P. Green

/s/ John L. Bowman

/s/ Charles Wheeler

/s/ Fred Kratky

Senator Crowell was recognized to inquire of Senator Nodler.

At the request of Senator Nodler, the motion to take up the Conference Committee Report on **HCS** for **SS** for **SB 696**, as amended, was withdrawn.

HOUSE BILLS ON THIRD READING

HCS for **HB 1485**, with **SCS**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to pregnancy resource centers.

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

SCS for **HCS** for **HB 1485**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1485

An Act to repeal sections 135.327 and 135.333, RSMo, and to enact in lieu thereof three new sections relating to tax credits for contributions to centers providing social services.

Was taken up.

Senator Koster assumed the Chair.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 1485** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No.

1485, Page 6, Section 135.630, Line 5, by inserting after the number “(3)” the following:

“Medically and factually accurate”, information supported by the weight of research conducted in compliance with accepted scientific methods and recognized as accurate and objective by leading professional organizations and agencies with relevant expertise in the field.

(4)”; and further renumber the remaining subdivisions accordingly; and

Further amend said bill and section, page 7, line 23 by inserting at the end of said line the following:

“and

(h) Which provides only medically and factually accurate information;”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Scott assumed the Chair.

Senator Bray offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1485, Page 6, Section 135.630, Line 5, by inserting immediately after the number “(3)” the following:

“Full option counseling centers”, facilities established located in this state which are established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering full option counseling, as defined under 42 CFR 59.5(a)(5), which shall include but not be limited to pregnancy testing, counseling, emotional and material support. Childbirths are not actually performed at such facilities. For purposes of this section, reference to “pregnancy resource centers” shall also include the term “full option counseling centers”;

(4)”; and

Further renumber the remaining subdivisions accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Ridgeway moved that SCS for HCS for HB 1485 be adopted, which motion prevailed.

On motion of Senator Ridgeway, SCS for HCS for HB 1485 was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

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

REFERRALS

President Pro Tem Gibbons referred HCR 31 and HCR 23 to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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 **HCS** for **SCS** for **SB 616**, as amended. Representatives: Bruns, Wright, Sutherland, Dake and Page.

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 **SCS** for **SB 915**, entitled:

An Act to amend chapter 393, RSMo, by adding thereto six new sections relating to the green power initiative, with an effective date.

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 refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 590**, as amended, and grants the Senate a conference thereon and allow the conferees to exceed the differences.

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 **HCS** for **SS** for **SCS** for **SB 590**, as amended. Representatives: Kingery, Bearden, Pearce, Zweifel and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **HCR 34**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 34

Whereas, sport fishing is a great industry, recreation, and occupation in Missouri; and

Whereas, hand fishing, which is also referred to as "noodling", for channel, blue, and flathead catfish is one of the ultimate challenges in the arena of sport fishing; and

Whereas, The United States Fish and Wildlife Service survey in 2001 found that there are approximately 467,000 catfish anglers in Missouri over the age of sixteen and by Missouri law, they can catch five flathead fish 365 days a year or 1,825 flathead fish for each permit sold; and

Whereas, Dr. Mark Morgan at the University of Missouri-Columbia conducted a study and found that there are approximately 2,000 hand fishers in Missouri, who are asking the Missouri Department of Conservation to allow them to hand catch five channel, blue, or flathead catfish in a sixty-day statewide season for each permit sold, which would be 0.000012 percent of the available catch of catfish anglers; and

Whereas, the Missouri Department of Conservation is responsible for all Missouri state fishing and game regulations and should provide hand fishers with appropriate information and regulations; and

Whereas, recognizing and respecting the Research Division of the Missouri Department of Conservation, they should continue balanced research on hand fishing for channel, blue, and flathead catfish; and

Whereas, it is the desire for some sport fishers to participate in hand fishing of channel, blue, and flathead catfish in Missouri; and

Whereas, hand fishing is a legalized sport in 12 States, 5 of which surround Missouri; and

Whereas, the legalization of hand fishing is supported by the Missouri Farm Bureau, the Missouri Farmer's Union, MoFED, and the Missouri Trappers Association:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby strongly encourage the Missouri Department of Conservation to have a regulated statewide hand fishing season for channel, blue, and flathead catfish from June first to July thirty-first beginning in 2007 to allow hand fishers to take five of these fish by hand; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copies of this resolution for the Commissioners of the Missouri Department of Conservation.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 590**, as amended: Senators Nodler, Shields, Mayer, Wilson and Days.

PRIVILEGED MOTIONS

Senator Nodler moved that the conferees on **HCS** for **SS** for **SCS** for **SB 590**, as amended, be allowed to exceed the differences, which motion prevailed.

Senator Koster moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 915** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1742**, with **SCS**, entitled:

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to medical assistance eligibility for certain persons, with an emergency clause and expiration date.

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

SCS for **HCS** for **HB 1742**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1742

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to medical assistance eligibility for certain persons, with an emergency clause and expiration date.

Was taken up.

Senator Shields moved that **SCS** for **HCS** for **HB 1742** be adopted.

Senator Shields offered **SS** for **SCS** for **HCS** for **HB 1742**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1742

An Act to repeal sections 208.151 and 208.640, RSMo, and to enact in lieu thereof five new sections relating to health care, with an emergency clause, and an expiration date.

Senator Shields moved that **SS** for **SCS** for **HCS** for **HB 1742** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 1, In the Title, Line 4, of said title, by inserting immediately after "clause," the following: "penalty provisions,"; and

Further amend said bill, page 3, section 191.006, line 25 of said page, by inserting immediately after said line the following:

"191.900. As used in sections 191.900 to 191.910, the following terms mean:

(1) "Abuse", the infliction of physical, sexual or emotional harm or injury. "Abuse" includes the taking, obtaining, using, transferring, concealing, appropriating or taking possession of property of another person without such person's consent;

(2) "Claim", any attempt to cause a health care payer to make a health care payment;

(3) "False", wholly or partially untrue. A false statement or false representation of a material fact means the failure to reveal material facts in a manner which is intended to deceive a health care payer with respect to a claim;

(4) "Health care", any service, assistance, care, product, device or thing provided pursuant to a medical assistance program, or for which payment is requested or received, in whole or part, pursuant to a medical assistance program;

(5) “Health care payer”, a medical assistance program, or any person reviewing, adjusting, approving or otherwise handling claims for health care on behalf of or in connection with a medical assistance program;

(6) “Health care payment”, a payment made, or the right under a medical assistance program to have a payment made, by a health care payer for a health care service;

(7) “Health care provider”, any person delivering, or purporting to deliver, any health care, and including any employee, agent or other representative of such a person;

(8) “Medical assistance program”, any program to provide or finance health care to recipients which is established pursuant to title 42 of the United States Code, any successor federal health insurance program, or a waiver granted thereunder. A medical assistance program may be funded either solely by state funds or by state and federal funds jointly. The term “medical assistance program” shall include the medical assistance program provided by section 208.151, RSMo, et seq., and any state agency or agencies administering all or any part of such a program;

(9) “Person”, a natural person, corporation, partnership, association or any legal entity.

191.905. 1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:

(1) Knowingly presenting to a health care payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;

(2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;

(3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment in an amount greater than that which the health care provider or any other health care provider is entitled;

(4) Knowingly presenting a claim to a health care payer that falsely indicates that any particular health care was provided to a person or persons, if in fact health care of lesser value than that described in the claim was provided.

2. No person shall knowingly solicit or receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return for:

(1) Referring another person to a health care provider for the furnishing or arranging for the furnishing of any health care; or

(2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any health care.

3. No person shall knowingly offer or pay any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to refer another person to a health care provider for the furnishing or arranging for the furnishing of any health care.

4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in price obtained by a health care provider if the reduction in price is properly disclosed and appropriately reflected in the claim made by the health care provider to the health care payer, or any amount paid by an employer to an employee for employment in the provision of health care.

5. Exceptions to the provisions of subsections 2 and 3 of this subsection shall be provided for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended, and

regulations promulgated pursuant thereto.

6. No person shall knowingly abuse a person receiving health care.

7. A person who violates subsections 1 to [4] 3 of this section is guilty of a class [D] C felony upon his **or her** first conviction, and shall be guilty of a class [C] B felony upon his **or her** second and subsequent convictions, **and any natural person who has been convicted of such violations shall be excluded from participation as a provider for the medical assistance program for ten years.** A prior conviction shall be pleaded and proven as provided by section 558.021, RSMo. A person who violates subsection 6 of this section shall be guilty of a class C felony, unless the act involves no physical, sexual or emotional harm or injury and the value of the property involved is less than five hundred dollars, in which event a violation of subsection 6 of this section is a class A misdemeanor. **No person convicted of a second or subsequent violation of subsections 1 to 3 of this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence until he or she has served at least eighty-five percent of any term of imprisonment ordered as punishment. In no event shall an individual receive a suspended imposition of sentence for any violation of subsections 1 to 3 of this section that results in a total loss in excess of fifty thousand dollars. If a person receives a suspended imposition of sentence for a violation of subsections 1 to 3 of this section, then such person shall not receive a suspended imposition of sentence for any subsequent violation of subsections 1 to 3 of this section, regardless of the dollar amount of the total loss from such violation.**

8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a violation of sections 191.900 to

191.910 shall be guilty of a class D felony, and, upon conviction, shall be excluded from participation as a provider for the medical assistance program for ten years.

[8.] 9. Each separate false statement or false representation of a material fact proscribed by subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute a separate offense and a separate violation of this section, whether or not made at the same or different times, as part of the same or separate episodes, as part of the same scheme or course of conduct, or as part of the same claim.

[9.] 10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may be presented to demonstrate that a false statement or claim was knowingly made. Such evidence of knowledge may include but shall not be limited to the following:

(1) A claim for a health care payment submitted with the health care provider's actual, facsimile, stamped, typewritten or similar signature on the claim for health care payment;

(2) A claim for a health care payment submitted by means of computer billing tapes or other electronic means;

(3) A course of conduct involving other false claims submitted to this or any other health care payer.

[10.] 11. Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make restitution to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to reimburse the reasonable costs attributable to the investigation and prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the "Medicaid Fraud Reimbursement Fund", which is hereby established in the state treasury. Moneys in the Medicaid fraud

reimbursement fund shall be divided and appropriated to the federal government and affected state agencies in order to refund moneys falsely obtained from the federal and state governments. All of such cost reimbursements attributable to the investigation and prosecution shall be paid and deposited to the credit of the "Medicaid Fraud Prosecution Revolving Fund", which is hereby established in the state treasury. Moneys in the Medicaid fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the Medicaid fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court those expenses which were reasonable and necessary to the investigation and prosecution of such case, and the court approves such expenses as being reasonable and necessary. The provisions of section 33.080, RSMo, notwithstanding, moneys in the Medicaid fraud prosecution revolving fund shall not lapse at the end of the biennium.

[11.] **12.** A person who violates subsections 1 to [4] **3** of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and federal government sustained because of the act of that person, except that the court may assess not more than two times the amount of damages

which the state and federal government sustained because of the act of the person, if the court finds:

(1) The person committing the violation of this section furnished personnel employed by the attorney general and responsible for investigating violations of sections 191.900 to 191.910 with all information known to such person about the violation within thirty days after the date on which the defendant first obtained the information;

(2) Such person fully cooperated with any government investigation of such violation; and

(3) At the time such person furnished the personnel of the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation.

[12.] **13.** Upon conviction pursuant to this section, the prosecution authority shall provide written notification of the conviction to all regulatory or disciplinary agencies with authority over the conduct of the defendant health care provider.

[13.] **14.** The attorney general may bring a civil action against any person who shall receive a health care payment as a result of a false statement or false representation of a material fact made or caused to be made by that person. The person shall be liable for up to double the amount of all payments received by that person based upon the false statement or false representation of a material fact, and the reasonable costs attributable to the prosecution of the civil action. All such restitution shall be paid and deposited to the credit of the Medicaid fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the Medicaid fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be

brought if restitution and civil penalties provided by subsections [10 and] 11 and 12 of this section have been previously ordered against the person for the same cause of action.

191.907. 1. Any person may bring a civil action in the name of the state to recover losses that the state suffers from a violation of sections 191.900 to 191.910. In an action brought under this section, a person who violates subsection 1 to 3 of section 191.905 is liable as provided by subsection 12 of section 191.905. The amount of any civil penalty assessed by the court under this section shall be reduced by the amount of any civil monetary penalty which the person establishes that he or she has paid under the laws of the United States for a violation of 31 U.S.C. section 3729, et seq., as long as such violation is based on the same underlying facts upon which the state action was brought. At the time of filing the complaint, the person shall deliver a copy of the complaint and written disclosure of all material evidence and information the person possesses to the state attorney general. The complaint shall be filed in camera, shall remain under seal for at least one hundred and twenty days, and shall not be served upon the defendant until the court so orders. The attorney general may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information. During the period in which the complaint is under seal, the attorney general may elect to initiate discussions with the accused provider in an attempt to facilitate a resolution of the claim prior to the commencement of judicial proceedings.

2. The attorney general may, for good cause shown, move the court for an extension of the time during which the complaint remains under seal, as provided by subsection 1 of this section. Any such motion may be supported by affidavits or other submissions in camera.

3. Before the expiration of the one hundred and twenty day period or any extensions obtained under subsection 2 of this section, the attorney general shall:

(1) Notify the court and the person initiating the action that it will proceed with the action, in which case the action shall be conducted by the attorney general; or

(2) Notify the court that it declines to take over the action, in which case the action shall be dismissed, notwithstanding any objection by the person initiating the action.

4. When a person files an action under this section, no person other than the attorney general shall intervene or bring a related action based on the facts underlying the pending action.

5. If the attorney general elects to proceed with the action, he or she shall have the primary responsibility for conducting the action, and shall not be bound by any act of the person initiating the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in subsection 8 of this section.

6. The attorney general may voluntarily dismiss the action notwithstanding the objections of the person initiating the action, but only if that person has been notified of and offered the opportunity to participate in a hearing on the motion to dismiss.

7. The attorney general may settle the action, notwithstanding the objections of the person initiating the action, but only if that person has been notified of and offered the opportunity to participate in a hearing on the settlement, and if the court determines that the settlement is fair, adequate, and reasonable under the circumstances.

8. Upon a showing by the attorney general that unrestricted participation during the course of the litigation by the person initiating

the action would interfere with or unduly delay the attorney general's prosecution of the case, or would be repetitious, irrelevant, or unduly harassing, the court may, in its discretion, impose limitations on the person's participation, such as:

(1) Limiting the number of witnesses the person may call;

(2) Limiting the length of the testimony of witnesses;

(3) Limiting the person's cross-examination of witnesses; or

(4) Otherwise limiting the participation by the person in the litigation.

Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be unduly harassing, or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

9. Upon a showing, conducted in camera, that actions of the person initiating the action during discovery would interfere with the attorney general's investigation or prosecution of a criminal or civil matter, the court may stay the discovery by the person initiating the action for not more than sixty days. The court may extend the stay upon a further showing that the attorney general is pursuing the investigation or proceeding with reasonable diligence and the discovery would interfere with the ongoing investigation or proceeding.

10. As an alternative to an action authorized by this section, the attorney general may pursue a violation of sections 191.900 to 191.910 through any alternate proceeding available to this state. If the attorney general pursues an alternate proceeding, a person who initiated an action under this section shall have equivalent rights in that proceeding to the rights that the person would have had if the

action had continued under this section. Findings of fact and conclusions of law that become final in an alternative proceeding shall become conclusive on the parties to an action under this section. For the purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court, if the time for filing an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

11. If the party initiating an action filed under this section prevails in the action, the court shall award such person necessary expenses, costs, and, based on the amount of effort involved, the court shall award such person fifteen to twenty-five percent of the monetary proceeds resulting from the action or any settlement of the claim.

12. If the court finds an action under this section to be based primarily on disclosure of specific information that was not provided by the person initiating the action, such as information from a criminal, civil, or administrative hearing in a state or federal department or agency, a legislative report, hearing, audit, or investigation, or the news media, and the attorney general proceeds with the action, the court shall award the person initiating the action no more than ten percent of the monetary recovery in addition necessary expenses, and costs.

13. If the court finds that the person initiating an action under this section planned, initiated, or participated in the conduct upon which the action is brought, the court may reduce or eliminate, as it considers appropriate, the share of the proceeds of the action that the person would otherwise be entitled to receive. A person who is convicted of criminal conduct arising from a violation of sections 191.900 to 191.910 shall not initiate or remain a party to an action under this section and is not entitled to

share in the monetary proceeds resulting from the action or any settlement under this section.

14. A person other than the attorney general shall not bring an action under this section that is based on allegations or transactions that are already the subject of a civil suit, criminal investigation or prosecution, or an administrative investigation or proceeding to which the state or the federal government is already a party. The court shall dismiss an action brought in violation of this subsection.

15. Unless the person is the original source of the information, a person, other than the attorney general, shall not initiate an action under this section based on the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing in a state or federal department or agency, a legislative report, hearing, audit, or investigation, or the news media. The person is the original source if he or she had direct and independent knowledge of the information on which the allegations are based and voluntarily provided the information to the attorney general as part of the filing of an action based on that information under this section.

16. The attorney general shall not be liable for any expenses, costs, or attorney's fees that a person incurs in bringing an action under this section. Any amount awarded to a person initiating an action to enforce sections 191.900 to 191.910 is payable solely from the proceeds of the action or settlement.

17. The attorney general shall establish guidelines for enforcing and implementing the provisions of this section. Such guidelines shall be modeled upon the standards established by the "Guidance on the Use of the Civil False Claims Act in Civil Health Care Matters" issued by the United States Department of Justice on June 3, 1998, including any revisions to the standards. In developing such guidelines, the attorney general may solicit comments from

health care providers.

18. Venue for an action brought under this section shall be in Cole County.

19. An action brought under this section shall not be brought more than five years after the date on which the violation was committed.

20. Nothing within this section shall be deemed to alter the statutes of limitations provided in section 516.105, RSMo, or section 537.100, RSMo.

191.908. 1. An employer shall not discharge, demote, suspend, threaten, harass, or otherwise discriminate against an employee in the terms and conditions of employment because the employee initiates, assists in, or participates in a proceeding or court action under section 191.900 to 191.910. Such prohibition shall not apply to an employment action against an employee who:

- (1) The court finds brought a frivolous or clearly vexatious claim;
- (2) The court finds to have planned, initiated, or participated in the conduct upon which the action is brought; or
- (3) Is convicted of criminal conduct arising from a violation of sections 191.900 to 191.910.

2. An employer who violates this section is liable to the employee for all of the following:

- (1) Reinstatement to the employee's position without loss of seniority;
- (2) Two times the amount of lost back pay;
- (3) Interest on the back pay;
- (4) Compensation for any special damages;
- (5) Any other relief necessary to make an employee whole.

191.909. 1. By January 1, 2007, and annually thereafter, the attorney general's office shall report to the general assembly and the governor the following:

(1) The number of provider investigations due to allegations of violations under sections 191.900 to 191.910 conducted by the attorney general's office and completed within the reporting year, including the age and type of cases;

(2) The number of referrals due to allegations of violations under sections 191.900 to 191.910 received by the attorney general's office;

(3) The total amount of overpayments identified as the result of completed investigations;

(4) The amount of fines and restitutions ordered to be reimbursed, with a delineation between amounts the provider has been ordered to repay, including whether or not such repayment will be completed in a lump sum payment or installment payments, and any adjustments or deductions ordered to future provider payments;

(5) The total amount of monetary recovery as the result of completed investigations;

(6) The total number of arrests, indictments, and convictions as the result of completed investigations.

An annual financial audit of the Medicaid fraud unit within the attorney general's office shall be conducted and completed by the state auditor in order to quantitatively determine the amount of money invested in the unit and the amount of money actually recovered by such office.

2. By January 1, 2007, and annually thereafter, the department of social services shall report to the general assembly and the governor the following:

(1) The number of medicaid provider and recipient investigations and audits relating to allegations of violations under sections 191.900 to 191.910 completed within the reporting year, including the age and type of cases;

(2) Number of medicaid long-term care facility reviews;

(3) Number of medicaid provider and recipient utilization reviews;

(4) The number of referrals sent by the department to the attorney general's office;

(5) The total amount of overpayments identified as the result of completed investigations, reviews, or audits;

(6) The amount of fines and restitutions ordered to be reimbursed, with a delineation between amounts the provider has been ordered to repay, including whether or not such repayment will be completed in a lump sum payment or installment payments, and any adjustments or deductions ordered to future provider payments;

(7) The total amount of monetary recovery as the result of completed investigation, reviews, or audits;

(8) The number of administrative sanctions against medicaid providers, including the number of providers excluded from the program.

An annual financial audit of the program integrity unit within the department of social services shall be conducted and completed by the state auditor in order to quantitatively determine the amount of money invested in the unit and the amount of money actually recovered by such office.

191.910. 1. The attorney general shall have authority to investigate alleged or suspected violations of sections 191.900 to 191.910, and shall have all powers provided by sections 407.040 to 407.090, RSMo, in connection with investigations of alleged or suspected violations of sections 191.900 to 191.910, as if the acts enumerated in subsections 1 to 3 of section 191.905 are unlawful acts proscribed by chapter 407, RSMo, provided that if the attorney general exercises such powers, the provisions of section 407.070, RSMo, shall

also be applicable; and may exercise all of the powers provided by subsections 1 and 2 of section 578.387, RSMo, in connection with investigations of alleged or suspected violations of sections 191.900 to 191.910, as if the acts enumerated in subsections 1 to 3 of section 191.905 involve “public assistance” as defined by section 578.375, RSMo. The attorney general and his **or her** authorized investigators shall be authorized to serve all subpoenas and civil process related to the enforcement of sections 191.900 to 191.910 and chapter 407, RSMo. [In order for the attorney general to commence a state prosecution] For violations of sections 191.900 to 191.910, the attorney general shall prepare and forward a report of the violations to the appropriate prosecuting attorney. Upon receiving a referral, the prosecuting attorney shall either commence a prosecution based on the report by the filing of a complaint, information, or indictment within sixty days of receipt of said report or shall file a written statement with the attorney general explaining why criminal charges should not be brought. This time period may be extended by the prosecuting attorney with the agreement of the attorney general for an additional sixty days. If the prosecuting attorney commences a criminal prosecution, the attorney general or his designee shall be permitted by the court to participate as a special assistant prosecuting attorney in settlement negotiations and all court proceedings, subject to the authority of the prosecuting attorney, for the purpose of providing such assistance as may be necessary. If the prosecuting attorney fails to commence a prosecution and fails to file a written statement listing the reasons why criminal charges should not be brought within the appropriate time period, or declines to prosecute on the basis of inadequate office resources, the attorney general shall have authority to commence prosecutions for violations of sections 191.900 to 191.910. In cases where a defendant pursuant to a common scheme or plan has committed acts which constitute or would constitute violations of sections 191.900 to

191.910 in more than one state, the attorney general shall have the authority to represent the state of Missouri in any plea agreement which resolves all criminal prosecutions within and without the state, and such agreement shall be binding on all state prosecutors.

2. In any investigation, hearing or other proceeding pursuant to sections 191.900 to 191.910, any record in the possession or control of a health care provider, or in the possession or control of another person on behalf of a health care provider, including but not limited to any record relating to patient care, business or accounting records, payroll records and tax records, whether written or in an electronic format, shall be made available by the health care provider to the attorney general or the court, and shall be admissible into evidence, regardless of any statutory or common law privilege which such health care provider, record custodian or patient might otherwise invoke or assert. The provisions of section 326.151, RSMo, shall not apply to actions brought pursuant to sections 191.900 to 191.910. The attorney general shall not disclose any record obtained pursuant to this section, other than in connection with a proceeding instituted or pending in any court or administrative agency. The access, provision, use, and disclosure of records or material subject to the provisions of 42 U.S.C. section 290dd-2 shall be subject to said section, as may be amended from time to time, and to regulations promulgated pursuant to said section.

3. **A health care provider shall maintain adequate records necessary to fully disclose the nature of the health care for which a claim was submitted or payment was received under a medical assistance program, or such records as are necessary to fully disclose all income and expenditures upon which rates of payment were based under a medical assistance program. Upon submitting a claim for or upon receiving payment for health care under a medical assistance program, a health care provider shall maintain adequate records for at least five years**

after the date on which payment was received, if payment was received, or for five years after the date on which the claim was submitted, if payment was not received. Any provider who fails to maintain adequate records as provided by this subsection shall be guilty of a class A misdemeanor.

4. No person shall knowingly destroy or conceal such records as are necessary to fully disclose the nature of the health care for which a claim was submitted or payment was received under a medical assistance program, or such records as are necessary to fully disclose all income and expenditures upon which rates of payment were based under a medical assistance program. Upon submitting a claim for or upon receiving payment for health care under a medical assistance program, a person shall not destroy or conceal any records for five years after the date on which payment was received, if payment was received, or for five years after the date on which the claim was submitted, if payment was not received. Any provider who knowingly destroys or conceals such records shall be guilty of a class D felony.

5. Sections 191.900 to 191.910 shall not be construed to prohibit or limit any other criminal or civil action against a health care provider for the violation of any other law. Any complaint, investigation or report received or completed pursuant to sections 198.070 and 198.090, RSMo, subsection 2 of section 205.967, RSMo, sections 375.991 to 375.994, RSMo, section 578.387, RSMo, or sections 660.300 and 660.305, RSMo, which indicates a violation of sections 191.900 to 191.910, shall be referred to the attorney general. A referral to the attorney general pursuant to this subsection shall not preclude the agencies charged with enforcing the foregoing sections from conducting investigations, providing protective services or taking administrative action regarding the complaint, investigation or report referred to the attorney general, as may be provided by such sections; provided that all material developed by

the attorney general in the course of an investigation pursuant to sections 191.900 to 191.910 shall not be subject to subpoena, discovery, or other legal or administrative process in the course of any such administrative action. Sections 191.900 to 191.910 take precedence over the provisions of sections 198.070 and 198.090, RSMo, subsection 2 of section 205.967, RSMo, sections 375.991 to 375.994, RSMo, section 578.387, RSMo, and sections 660.300 and 660.305, RSMo, to the extent such provisions are inconsistent or overlap.

191.914. 1. Any person who intentionally files a false report or claim alleging a violation of sections 191.900 to 191.910 shall be guilty of a class D felony.

2. It shall be a class D felony for any person to receive any compensation in exchange for knowingly failing to report any violation of subsections 1 to 3 of section 191.905.”; and

Further amend said bill, page 22, section 208.640, line 19 of said page, by inserting immediately after said line the following:

“Section 1. 1. Beginning September 1, 2006, an advisory working group is hereby created for the purpose of conducting a study to determine whether an office of inspector general shall be established. Such office would be responsible for oversight, auditing, investigation, and performance review to provide increased accountability, integrity, and oversight of state medical assistance programs, to assist in improving agency and program operations, and to deter identify fraud, abuse, and illegal acts. The working group shall review the experience of all states that have created a similar office to determine the impact of creating a similar office in this state. The advisory working group shall consist of the following:

- (1) Five members of the house of representatives appointed by the speaker; and**
- (2) Five members of the senate appointed**

by the pro tem.

No more than three members from each house shall be of the same political party. The directors of the department of social services, the department of health and senior services, and the department of mental health or the directors' designees shall serve as ex officio members of the advisory working group.

2. Members of the advisory working group shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties.

3. A chair of the advisory working group shall be selected by the members of the advisory working group.

4. The advisory working group shall meet as necessary.”; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 21, Section 208.640, Line 18, by striking the following: “that cover all pre-existing conditions”; and insert in lieu thereof the following: “, **except for health insurance plans that do not cover an eligible child's pre-existing condition**”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Engler offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 22, Section 208.640, Line 19, of said page by inserting

after all of said line the following:

“208.930. 1. As used in this section, the term “department” shall mean the department of health and senior services.

2. Subject to appropriations, the department may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 208.900 through 208.927, to each person [who was participating as a non-Medicaid eligible client pursuant to sections 178.661 through 178.673, RSMo, on June 30, 2005, and] who:

(1) Makes application to the department;

(2) Demonstrates financial need and eligibility under subsection 3 of this section;

(3) Meets all the criteria set forth in sections 208.900 through 208.927, except for subdivision (5) of subsection 1 of section 208.903;

(4) Has been found by the department of social services not to be eligible to participate under guidelines established by the Medicaid state plan; and

(5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 208.900. For purposes of this section, “access to affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state's current Missouri consolidated health care plan.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be

based on the adjusted gross income **of the person seeking financial assistance and such person's spouse** and the assets of the person seeking financial assistance and such person's spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section [and such person's spouse must] **shall** have an adjusted gross income, less disability-related, medical, **and reasonable living** expenses, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level **and, if married, shall not have a combined adjusted gross income of more than one hundred twenty-five thousand dollars.** The adjusted gross income shall be based on [the most recent income tax return] **the documentation listed in subsection 4 of this section.**

(3) No person seeking financial assistance for personal care services under this section and such person's spouse shall have assets in excess of two hundred fifty thousand dollars.

4. The department shall require applicants and the [applicant's spouse,] **applicants' spouses** and consumers and the [consumer's spouse] **consumers' spouses** to provide documentation **for assets. The department shall require applicants and consumers to provide documentation** for income[, assets,] and disability-related, medical, **and reasonable living** expenses, **as determined by the department,** for the purpose of determining financial need and eligibility for the program. [In addition to the most recent income tax return,] Such documentation may include, but shall not be limited to:

(1) **Most recent income tax return for the applicant and the applicant's spouse and the consumer and the consumer's spouse;**

(2) Current wage stubs for the applicant or consumer [and the applicant's or consumer's spouse];

[(2)] (3) A current W-2 form for the applicant or consumer [and the applicant's or consumer's

spouse];

[(3)] (4) Statements from the applicant's or consumer's [and the applicant's or consumer's spouse's] **employer or employers;**

[(4)] (5) Wage matches with the division of employment security;

[(5)] (6) Bank statements; and

[(6)] (7) Evidence of disability-related, medical, **and reasonable living** expenses, **as determined by the department,** and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 208.906 for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to [the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer's and the consumer's spouse's adjusted gross income for the year involved] **the following:**

(1) **For adjusted gross incomes below one hundred fifty percent of the federal poverty level, no monthly premium;**

(2) **For adjusted gross incomes between one hundred fifty and one hundred eighty-five percent of the federal poverty level, one percent of adjusted gross income;**

(3) **For adjusted gross incomes between one hundred eighty-five and two hundred twenty-five percent of the federal poverty level, three percent of adjusted gross income;**

(4) **For adjusted gross incomes between two hundred twenty-five and three hundred percent of the federal poverty level, five percent of**

adjusted gross income.

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such person shows good cause for nonpayment and makes payments for past-due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past-due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be reenrolled unless such person pays any past-due premiums as well as current premiums prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a reverification eligibility form letter to the consumer requiring the consumer to respond within [ten] **thirty** days of receiving the letter and to provide income and disability-related, medical, **and reasonable living** expense verification documentation. If the department does not receive

the consumer's response and documentation within the [ten-day] **thirty-day** period, the department shall send a letter notifying the consumer that he or she has [ten] **thirty** days to file an appeal or the case will be closed.

(3) The department shall require the consumer [and the consumer's spouse] to provide **verification** documentation for income and disability-related, medical [expense verification], **and reasonable living expenses as determined by the department** for purposes of the eligibility review. Such documentation may include but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of social services if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 208.924. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of social services in writing in the form prescribed by the department of social services within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in section 208.080.

10. Unless otherwise provided in this section, all other provisions of sections 208.900 through 208.927 shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule

or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulations, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, [2006] **2008.**”; and

Further amend said bill, page 23, section C, line 4 of said page by striking “and” and inserting in lieu thereof the following: “,”; and further amend line 5 of said page by inserting immediately after “191.990,” the following: “and 208.930”; and further amend line 8 of said page by striking “and” and inserting in lieu thereof the following: “,”; and further amend line 9 of said page by inserting immediately after “191.990,” the following: “and 208.930”; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 22, Section 208.640, Line 19, of said page, by inserting immediately after said line the following:

“208.930. 1. As used in this section, the term “department” shall mean the department of health and senior services.

2. Subject to appropriations, the department

may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 208.900 through 208.927, to each person who was participating as a non-Medicaid eligible client pursuant to sections 178.661 through 178.673, RSMo, on June 30, 2005, and who:

(1) Makes application to the department;

(2) Demonstrates financial need and eligibility under subsection 3 of this section;

(3) Meets all the criteria set forth in sections 208.900 through 208.927, except for subdivision (5) of subsection 1 of section 208.903;

(4) Has been found by the department of social services not to be eligible to participate under guidelines established by the Medicaid state plan; and

(5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 208.900. For purposes of this section, “access to affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be based on the adjusted gross income **of the person seeking financial assistance and such person's spouse**, and the assets of the person seeking financial assistance and such person's spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section [and such person's spouse must] **shall** have

an adjusted gross income, less **medical expenses and** disability-related [medical] expenses[, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level **except, if married, the combined adjusted gross income shall not exceed seventy-five thousand dollars.** The adjusted gross income shall be based on [the most recent income tax return] **the documentation listed in subsection 4 of this section.**

(3) **When determining adjusted gross income, each applicant or consumer seeking financial assistance for personal care services under this section shall be allowed to exempt, from consideration in eligibility determination, verifiable living expenses up to the SSI maximum.**

(4) No person seeking financial assistance for personal care services under this section [and] **or** such person's spouse shall have **combined** assets in excess of two hundred fifty thousand dollars.

4. The department shall require applicants and the applicant's spouse, and consumers and the consumer's spouse to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program. [In addition to the most recent income tax return,] Such documentation may include, but shall not be limited to:

(1) **Most recent income tax return for the applicant and the applicant's spouse and the consumer and the consumer's spouse;**

(2) Current wage stubs for the applicant or consumer and the applicant's or consumer's spouse;

[(2)] (3) A current W-2 form for the applicant or consumer and the applicant's or consumer's spouse;

[(3)] (4) Statements from the applicant's or consumer's and the applicant's or consumer's spouse's employers;

[(4)] (5) Wage matches with the division of

employment security;

[(5)] (6) Bank statements; and

[(6)] (7) Evidence of disability-related medical expenses and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 208.906 for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to [the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer's and the consumer's spouse's adjusted gross income for the year involved] **the following:**

(1) **For adjusted gross incomes below one hundred fifty percent of the federal poverty level, no monthly premium;**

(2) **For adjusted gross incomes between one hundred fifty and one hundred eighty-five percent of the federal poverty level, one percent of adjusted gross income;**

(3) **For adjusted gross incomes between one hundred eighty-five and two hundred twenty-five percent of the federal poverty level, three percent of adjusted gross income;**

(4) **For adjusted gross incomes between two hundred twenty-five and three hundred percent of the federal poverty level, five percent of adjusted gross income.**

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such

person shows good cause for nonpayment and makes payments for past-due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past-due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be reenrolled unless such person pays any past-due premiums as well as current premiums prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a reverification eligibility form letter to the consumer requiring the consumer to respond within [ten] **thirty** days of receiving the letter and to provide income and disability-related medical expense verification documentation. If the department does not receive the consumer's response and documentation within the [ten-day] **thirty-day** period, the department shall send a letter notifying the consumer that he or she has ten days to file an appeal or the case will be closed.

(3) The department shall require the **applicant or applicant's spouse** or consumer and [the] consumer's spouse to provide **verification** documentation for income, **assets, medical**

expenses, and disability-related [medical expense verification] **expenses approved by the department**, for purposes of the eligibility review. Such documentation may include but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of [social services] **health and senior services** if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 208.924. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of [social services] **health and senior services** in writing in the form prescribed by the department of [social services] **health and senior services** within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in [section 208.080] **chapter 536, RSMo**.

10. Unless otherwise provided in this section, all other provisions of sections 208.900 through 208.927 shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if

applicable, section 536.028, RSMo. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulations, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, [2006] **2008.**”; and

Further amend said bill, page 23, section C, line 10 of said page, by inserting immediately after said line the following:

“Section B. Because immediate action is necessary to ensure continued financial assistance for personal care services, the repeal and reenactment of section 208.930 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 208.930 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gross offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1742, Page 6, Section 191.990, Line 16, by inserting immediately after all of said line, the following:

“8. If in the immediate previous fiscal year, the state's net general revenue did not increase by two percent or more, the state treasurer shall deposit moneys, except for gifts, donations, or bequests, received under this section, beginning

January first of the current fiscal year, into the state general revenue fund. Otherwise, the state treasurer shall deposit such moneys in accordance with the provisions of this section.”; and

Further renumber the remaining subsections accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **HCS** for **HB 1742**, as amended, be adopted, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Shields, **SS** for **SCS** for **HCS** for **HB 1742**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Rupp	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senator Ridgeway—1

Absent—Senators

Klindt Purgason—2

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Rupp	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senator Ridgeway—1

Absent—Senators

Klindt Purgason—2

Absent with leave—Senator Wheeler—1

Vacancies—None

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

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

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

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HCR 34** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Ridgeway moved that the Senate refuse to adopt the Conference Committee Report on **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended, and request the House to grant a further conference thereon, 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 refuses to recede from its position on **HCS** for **SCS** for **SB 915** 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 **SB 990**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 990, Page 1, Section A, Line 2, by inserting after all of said line the following:

“227.308. The portion of highway H located within the county of the third classification without a township form of government and with more than fourteen thousand nine hundred but fewer than fifteen thousand inhabitants from the intersection of highway 72 to the intersection of highway DD shall be named the “Deputy Joann Barnes Memorial Highway”. The costs for such designation shall be paid for by private donations.”; 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 adopted **HCS** for **SCR 31**.

HOUSE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, Missouri's long-standing agriculture tradition continues to thrive and contribute to our economy and to our families; and

WHEREAS, the state of Missouri has maintained a robust and lucrative agriculture culture, frequently ranking in the top ten among states with regard to the number of operating farms, hay, cotton, and corn production, cattle, hog and turkey production, and more; and

WHEREAS, the economic benefits from these agricultural operations are profoundly important to our communities, to our state, and to our nation; and

WHEREAS the farm family is the backbone of our state, as we, a legislative body, do swear to uphold and promote our farming

community and protect the freedoms we share; and

WHEREAS, with the introduction of the Missouri Animal ID Program, a coordinated effort between the Missouri Department of Agriculture and the United States Department of Agriculture (USDA), the issues of food security and personal freedom became a reality for Missouri agriculture producers; and

WHEREAS, the USDA National Animal Identification System (NAIS) is currently and should remain a voluntary program with regard to animal identification programs and marketing practices; and

WHEREAS, the members of the Missouri General Assembly oppose such animal identification programs being mandatory:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Department of Agriculture to continue the National Animal Identification System program as a voluntary program to allow agricultural families to direct their own future; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the United States Department of Agriculture and the Missouri Department of Agriculture.

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 **HCS** for **SCS** for **SB 915**. Representatives: Rector, Emery, Schad, Darrough and Harris (110).

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 915**, as amended: Senators Koster, Klindt, Cauthorn, Wilson and Dougherty.

President Pro Tem Gibbons appointed the following conferee change to **HCS** for **SS** for **SCS** for **SB 590**, as amended: Senator Cauthorn to replace Senator Shields.

CONFERENCE COMMITTEE REPORT

Senator Koster, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 915** 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. 915

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 915 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. 915;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 915;
3. That the attached Conference Committee Substitute for Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 915, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Chris Koster

/s/ Rex Rector

/s/ John Cauthorn

/s/ Rodney Schad

/s/ David G. Klindt

/s/ Ed Emery

/s/ Patrick Dougherty

Belinda Harris, 110

/s/ Yvonne Wilson

Bruce Darrough

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

YEAS—Senators

Alter

Barnitz

Bartle

Bray

Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—31	

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 616** moved that the following conference committee report be taken up, which motion prevailed.

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Koster, **CCS** for **HCS** for **SCS** for **SB 915**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 915

An Act to amend chapter 393, RSMo, by adding thereto five new sections relating to the green power initiative, with an effective date.

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, with House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, and House Amendment No. 5, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 616;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 616 be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Bill Stouffer	/s/ Mark Bruns
/s/ Bill Alter	Mark Wright
/s/ Luann Ridgeway	/s/ Mike Sutherland
/s/ Joan Bray	/s/ Charles A. Dake
Timothy Green	/s/ Sam Page

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

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators	
Green	Rupp—2

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

On motion of Senator Stouffer, **CCS** for **HCS** for **SCS** for **SB 616**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 616

An Act to repeal sections 198.006, 198.073, and 198.087, RSMo, and to enact in lieu thereof five new sections relating to assisted living facilities.

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

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wilson—31	

NAYS—Senators	
Mayer	Rupp—2

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS No. 2** for **SCS** for **SBs 1014** and **730** moved that the following conference committee report no. 2 be taken up.

CONFERENCE COMMITTEE REPORT NO. 2
ON HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1014 and 730

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, with House Amendment Nos. 1 and 3 to House Amendment No. 1, House Amendment No. 1, as amended, House

Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Delbert Scott	/s/ Bryan P. Stevenson
/s/ Michael R. Gibbons	/s/ Bob May
/s/ Carl Vogel	/s/ Ryan Silvey
Victor Callahan	Margaret Donnelly
Maida Coleman	Wes Wagner

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Delbert Scott	/s/ Michael R. Gibbons
/s/ Charlie Shields	/s/ Chris Koster
/s/ Gary Nodler	/s/ David G. Klindt
/s/ Dan Clemens	/s/ Jason Crowell

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The conference committee report no. 2 on **HCS for SS No. 2 for SCS for SBs 1014 and 730** was taken up by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Scott moved that **CCR No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730** be adopted.

Senator Scott submitted the following:

Motion for the Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Delbert Scott	/s/ Michael R. Gibbons
/s/ Charlie Shields	/s/ Chris Koster
/s/ Gary Nodler	/s/ David G. Klindt
/s/ Chuck Purgason	/s/ Matt Bartle
/s/ Dan Clemens	/s/ Jason Crowell

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The conference committee report no. 2 on **HCS for SS No. 2 for SCS for SBs 1014 and 730** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

Senator Scott moved that **CCS No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730**, entitled:

CONFERENCE COMMITTEE
SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1014 and 730

An Act to repeal sections 115.105, 115.124, 115.126, 115.159, 115.163, 115.223, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, and 115.631, RSMo, and to enact in lieu thereof twenty-two new sections relating to election administration, with penalty provisions and an emergency clause for a certain section.

Be read the 3rd time and passed.

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Delbert Scott	/s/ Michael R. Gibbons
/s/ Charlie Shields	/s/ Chris Koster
/s/ Gary Nodler	/s/ David G. Klindt
/s/ Dan Clemens	/s/ Jason Crowell

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

CCS No. 2 for HCS for SS No. 2 for SCS for SBs 1014 and 730 was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The President declared the bill passed.

Senator Scott moved the adoption of the emergency clause.

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate.

Shall the Main question be now put?

Signed:

- /s/ Delbert Scott
- /s/ Charlie Shields
- /s/ Gary Nodler
- /s/ Dan Clemens
- /s/ Michael R. Gibbons
- /s/ Chris Koster
- /s/ David G. Klindt
- /s/ Jason Crowell

The motion to move the previous question was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
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Days Dougherty Graham Green
Kennedy Wilson—10

Title to the bill was agreed to by the following vote:

Absent—Senators—None

YEAS—Senators

Absent with leave—Senator Wheeler—1

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Vacancies—None

Senator Scott moved the title to the bill be agreed to.

Senator Scott submitted the following:

NAYS—Senators

Motion for Previous Question - Pursuant to Rule 84 of the Missouri Senate:

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Shall the Main question be now put?

Signed:

/s/ Delbert Scott /s/ Michael R. Gibbons
/s/ Charlie Shields /s/ Chris Koster
/s/ Dan Clemens /s/ Gary Nodler
/s/ Jason Crowell

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

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

The motion to move the previous question was adopted by the following vote:

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

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—23	

Senator Coleman requested the Journal reflect that the Chair had refused to recognize her for a point of order.

RESOLUTIONS

Senator Green offered Senate Resolution No. 3106, regarding Nicholas Cammarata, which was adopted.

Senator Scott offered Senate Resolution No. 3107, regarding Joe Dodson, which was adopted.

Senator Klindt offered Senate Resolution No. 3108, regarding Zachary A. Kerns, Savannah, which was adopted.

Senator Griesheimer offered Senate Resolution No. 3109, regarding Theodore Benhardt, Villa Ridge, which was adopted.

Senator Champion offered Senate Resolution

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

Absent—Senators—None

Absent with leave—Senator Wheeler—1

Vacancies—None

No. 3110, regarding John Youngblood, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 3111, regarding Zachary Loeffler, Springfield, which was adopted.

Senator Vogel offered Senate Resolution No. 3112, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kennard Autenrieth, Tebbetts, which was adopted.

Senator Rupp offered Senate Resolution No. 3113, regarding Daniel Phipps, Wentzville, which

was adopted.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Christopher Young, M.D., Ladue.

Senator Goodman introduced to the Senate, his father-in-law and mother-in-law, Paul and Darlene Hood, Miller.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTY-SECOND DAY—FRIDAY, MAY 12, 2006

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1581 (Champion)
(In Fiscal Oversight)

HCS for HB 1078, with SCS (Loudon)
(In Fiscal Oversight)

HB 1884-Behnen (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS & SS
for SCS (pending)

SB 617-Koster, with SCS

SB 635-Cauthorn

SB 637-Cauthorn, et al, with SCS & SA 3

(pending)

SB 642-Scott

SB 655-Nodler, with SCS

SBs 665 & 757-Engler, with SCS & SA 1

(pending)

SB 687-Scott and Bartle, with SCS
 SB 736-Crowell and Cauthorn, with SCS
 SB 759-Engler
 SB 816-Griesheimer and Coleman, with SCS
 & SS#2 for SCS (pending)
 SB 817-Scott, et al
 SB 841-Ridgeway, et al, with SCS
 SB 849-Mayer, et al, with SS, SA 6 &
 SA 1 to SA 6 (pending)
 SB 862-Engler, with SCS

SB 998-Champion, with SCS
 SB 1009-Klindt, with SS (pending)
 SB 1038-Mayer
 SB 1049-Shields, with SCS
 SB 1092-Klindt, with SCS
 SB 1104-Cauthorn and Klindt, with SCS
 SB 1114-Goodman & Loudon, with SCS
 SB 1188-Gibbons
 SB 1217-Goodman
 SB 1251-Shields, with SCS

HOUSE BILLS ON THIRD READING

HB 994-Dusenberg, et al (Cauthorn)
 HCS for HBs 1030, 1033, 1146, 1225 &
 1326, with SCS, SS for SCS & SA 16
 (pending) (Bartle)
 HB 1035-Young (49), et al (Callahan)
 HCS for HB 1059 (Nodler)
 HCS for HB 1075, with SCS (Nodler)
 HCS for HB 1092, with SCS (Ridgeway)
 HB 1105-Wilson (119), et al (Scott)
 HB 1118-Dempsey, et al, with SCS#2
 (Shields)
 HCS for HB 1137, with SCS (Klindt)
 HCS for HBs 1145, 1359 & 1121 (Scott)
 HCS for HB 1275, with SS, SA 4 &
 points of order (pending) (Goodman)
 HB 1302-Cooper (155), et al (Ridgeway)
 HCS for HB 1317 (Goodman)
 HCS for HB 1349, with SCS (Clemens)
 HCS for HB 1397 (Goodman)
 HB 1411-Smith (150), et al, with SCS
 (Scott)

HB 1446-Whorton, et al (Barnitz)
 HB 1504-Yates, with SCS (Loudon)
 HB 1521-Richard, et al (Griesheimer)
 HCS for HB 1532, with SCS (Griesheimer)
 HCS for HB 1534 (Bartle)
 HB 1619-Sutherland, et al, with SCS
 (Gibbons)
 HB 1623-St. Onge, et al, with SS, SA 1 &
 points of order (pending) (Stouffer)
 HCS for HB 1632, with SCS (Engler)
 HB 1728-Rector, et al, with SCS (Klindt)
 HCS for HB 1767, with SCS (Bartle)
 HB 1864-Nolte, et al, with SS (pending)
 (Alter)
 HB 1905-Jetton, et al (Champion)
 HB 1936-Tilley, with SCS (pending)
 (Stouffer)
 HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

Reported 4/12

HB 1169-Cooper (120) (Scott)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)

HCS for HB 1511, with SCS (Shields)

HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)

HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)

HB 1424-Franz (Purgason)

HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)

HCS for HB 1037 (Klindt)

HB 1144-May, et al (Clemens)

HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)

HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)

HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 990-Vogel, with HCA 1

SB 1124-Shields, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 590-Nodler, with HCS
as amendedSCS for SB 616-Stouffer, with HCS, as
amended(Senate adopted CCR and
passed CCS)SCS for SB 666-Engler, with HCS, as
amended(Senate adopted CCR and
passed CCS)SS for SB 696-Nodler, with HCS, as
amended

SCS for SB 756-Clemens, with HCS
 (Senate adopted CCR and passed CCS)
 SCS for SB 773-Cauthorn and Barnitz,
 with HCS, as amended
 SB 805-Gross, with HCS, as amended
 SS for SCS for SB 832-Griesheimer, with
 HCS, as amended
 SS for SCS for SB 894-Nodler, with HCS,
 as amended
 (Senate adopted CCR and passed CCS)
 SS for SCS for SB 904-Griesheimer, with
 HCS, as amended
 SCS for SB 915-Koster, et al, with HCS
 (Senate adopted CCR and passed CCS)
 SCS for SB 932-Scott, with HCS
 (Senate adopted CCR#2 and passed CCS#2)
 SCS for SBs 1001, 896 & 761-Griesheimer,
 with HCS, as amended
 (Senate adopted CCR and passed CCS)

SS#2 for SCS for SBs 1014 & 730-Scott,
 with HCS, as amended
 (Senate adopted CCR#2 and passed CCS#2)
 SB 1017-Clemens, with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SS for SB 1058-Loudon, with HCS, as
 amended
 SCS for SB 1221-Goodman, with HCS#2, as
 amended
 HCS for HB 1022, with SCS, as amended
 (Gross)
 HCS for HB 1306, with SS for SCS, as
 amended (Crowell)
 (House adopted CCR and passed CCS)
 HCS for HB 1456, with SS#2 for SCS, as
 amended (Ridgeway)
 (Senate requests House grant
 further conference)

Requests to Recede or Grant Conference

SB 766-Vogel, with HA 1
 (Senate requests House recede
 and take up and pass the bill)
 SB 818-Scott, with HA 2, as amended
 (Senate requests House recede
 and take up and pass the bill)

HB 1865-Bearden, et al, with SCS, as
 amended (Shields)
 (Senate requests House recede
 and pass the bill or grant
 further conference)

RESOLUTIONS

Reported from Committee

SR 2363-Gross
 HCR 25-Bowman, et al (Days)
 HCR 17-Quinn, et al (Stouffer)
 HCR 15-Jetton, et al (Champion)

HCR 9-Ruestman, et al (Ridgeway)
 HCR 4-Bruns (Rupp)
 HCR 37-Loehner, et al (Barnitz)
 HCR 10-Zweifel, et al (Loudon)

SR 2741-Wilson
HCR 18-Kuessner, et al

HCR 41-Sutherland, with SCS (Mayer)

Reported from House

SCR 31-Purgason, et al, with HCS

MISCELLANEOUS

REMONSTRANCE 1-Gross

Unofficial

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Journal

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