

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 7, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He judges the world with righteousness; he judges the peoples with equity.” (Psalm 9:8)

Almighty God, we ask that You preserve and protect us this day from all that would distract us from serving You and Your righteousness. We would also ask that You will continue to give us Your Spirit of wisdom, kindness and justice that all of our interactions with each other and with those we serve may be expressions of true courtesy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 521, regarding Gilbert Ross, Jr., M.D., which was adopted.

Senator Green offered Senate Resolution No. 522, regarding William Booth, St. Paul, which was adopted.

Senator Green offered Senate Resolution No. 523, regarding Jimmy Dee Woods, III, Florissant, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 16**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 16

An Act to repeal section 192.935, RSMo, and to enact in lieu thereof three new sections relating to vision examinations for school children.

Was taken up.

Senator Scott moved that **SCS** for **SB 16** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 16** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 64** and **SCS** for **SB 456**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTIONS

SB 2, with **SCS**, was placed on the Informal Calendar.

SB 3, with **SCS**, was placed on the Informal Calendar.

Senator Coleman moved that **SB 268** be taken up for perfection, which motion prevailed.

Senator Koster assumed the Chair.

On motion of Senator Coleman, **SB 268** was declared perfected and ordered printed.

Senator Griesheimer assumed the Chair.

Senator Koster moved that **SB 54**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 54**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 54

An Act to amend chapter 393, RSMo, by

adding thereto five new sections relating to the green power initiative, with an effective date.

Was taken up.

Senator Koster moved that **SCS** for **SB 54** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 54, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “electrical corporations, with penalty provisions and an effective date for certain sections.”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“386.266. 1. Subject to the requirements of this section, any electrical corporation may make an application to the commission to approve rate schedules authorizing an interim energy charge, or periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently incurred fuel and purchased-power costs, including transportation. The commission may, in accordance with existing law, include in such rate schedules features designed to provide the electrical corporation with incentives to improve the efficiency and cost-effectiveness of its fuel and purchased-power procurement activities.

2. Subject to the requirements of this section, any electrical, gas, or water corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in its prudently incurred costs, whether capital or expense, to comply with any federal, state, or local environmental law, regulation, or rule. Any rate adjustment made under such rate schedules shall not exceed an annual amount equal to two and one-half percent of the electrical, gas, or water corporation's

Missouri gross jurisdictional revenues, excluding gross receipts tax, sales tax and other similar pass-through taxes not included in tariffed rates, for regulated services as established in the utility's most recent general rate case or complaint proceeding. In addition to the rate adjustment, the electrical, gas, or water corporation shall be permitted to collect any applicable gross receipts tax, sales tax, or other similar pass-through taxes, and such taxes shall not be counted against the two and one-half percent rate adjustment cap. Any costs not recovered as a result of the annual two and one-half percent limitation on rate adjustments may be deferred, at a carrying cost each month equal to the utilities net of tax cost of capital, for recovery in a subsequent year or in the corporation's next general rate case or complaint proceeding.

3. Subject to the requirements of this section, any gas corporation may make an application to the commission to approve rate schedules authorizing periodic rate adjustments outside of general rate proceedings to reflect the nongas revenue effects of increases or decreases in residential and commercial customer usage due to variations in either weather, conservation, or both.

4. The commission shall have the power to approve, modify, or reject adjustment mechanisms submitted under subsections 1 to 3 of this section only after providing the opportunity for a full hearing in a general rate proceeding, including a general rate proceeding initiated by complaint. The commission may approve such rate schedules after considering all relevant factors which may affect the costs or overall rates and charges of the corporation, provided that it finds that the adjustment mechanism set forth in the schedules:

(1) Is reasonably designed to provide the utility with a sufficient opportunity to earn a fair return on equity;

(2) Includes provisions for an annual true-up which shall accurately and appropriately remedy any over- or under-collections, including interest at

the utility's short-term borrowing rate, through subsequent rate adjustments or refunds;

(3) In the case of an adjustment mechanism submitted under subsections 1 and 2 of this section, includes provisions requiring that the utility file a general rate case with the effective date of new rates to be no later than four years after the effective date of the commission order implementing the adjustment mechanism. However, with respect to each mechanism, the four-year period shall not include any periods in which the utility is prohibited from collecting any charges under the adjustment mechanism, or any period for which charges collected under the adjustment mechanism must be fully refunded. In the event a court determines that the adjustment mechanism is unlawful and all moneys collected thereunder are fully refunded, the utility shall be relieved of any obligation under that adjustment mechanism to file a rate case;

(4) In the case of an adjustment mechanism submitted under subsection 1 or 2 of this section, includes provisions for prudence reviews of the costs subject to the adjustment mechanism no less frequently than at eighteen-month intervals, and shall require refund of any imprudently incurred costs plus interest at the utility's short-term borrowing rate.

5. Once such an adjustment mechanism is approved by the commission under this section, it shall remain in effect until such time as the commission authorizes the modification, extension, or discontinuance of the mechanism in a general rate case or complaint proceeding.

6. Any amounts charged under any adjustment mechanism approved by the commission under this section shall be separately disclosed on each customer bill.

7. The commission may take into account any change in business risk to the corporation resulting from implementation of the adjustment mechanism in setting the corporation's allowed return in any

rate proceeding, in addition to any other changes in business risk experienced by the corporation.

8. In the event the commission lawfully approves an incentive- or performance-based plan, such plan shall be binding on the commission for the entire term of the plan. This subsection shall not be construed to authorize or prohibit any incentive- or performance-based plan.

9. Prior to August 28, 2005, the commission shall have the authority to promulgate rules under the provisions of chapter 536, RSMo, as it deems necessary, to govern the structure, content and operation of such rate adjustments, and the procedure for the submission, frequency, examination, hearing and approval of such rate adjustments. Such rules shall be promulgated no later than one hundred fifty days after the initiation of such rulemaking proceeding. Any electrical, gas, or water corporation may apply for any adjustment mechanism under this section whether or not the commission has promulgated any such rules.

10. Nothing contained in this section shall be construed as affecting any existing adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism currently approved and in effect.

11. Each of the provisions of this section is severable. In the event any provision or subsection of this section is deemed unlawful, all remaining provisions shall remain in effect.

12. The provisions of this section shall take effect on January 1, 2006, and the commission shall have previously promulgated rules to implement the application process for any rate adjustment mechanism under this section prior to the commission issuing an order for any rate adjustment.

13. The public service commission shall appoint a task force, consisting of all interested parties, to study and make recommendations on the cost recovery and implementation of conservation

and weatherization programs for electrical and gas corporations.

14. The commission shall not accept an application submitted to the commission under this section by any electrical corporation in violation of any regulation promulgated under subdivision (4) of section 393.140, RSMo, until such corporation is in compliance with all such regulations.

393.140. The commission shall:

(1) Have general supervision of all gas corporations, electrical corporations, water corporations and sewer corporations having authority under any special or general law or under any charter or franchise to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality, for the purpose of furnishing or distributing water or gas or of furnishing or transmitting electricity for light, heat or power, or maintaining underground conduits or ducts for electrical conductors, or for the purpose of collecting, carrying, treating, or disposing of sewage, and all gas plants, electric plants, water systems and sewer systems owned, leased or operated by any gas corporation, electrical corporation, water corporation, or sewer corporation.

(2) Investigate and ascertain, from time to time, the quality of gas or water supplied and sewer service furnished by persons and corporations, examine or investigate the methods employed by such persons and corporations in manufacturing, distributing and supplying gas or electricity for light, heat or power and in transmitting the same, and in supplying and distributing water for any purpose whatsoever, and in furnishing a sewer system, and have power to order such reasonable improvements as will best promote the public interest, preserve the public health and protect those using such gas, electricity, water, or sewer system, and those employed in the manufacture and distribution thereof, and have

power to order reasonable improvements and extensions of the works, wires, poles, pipes, lines, conduits, ducts and other reasonable devices, apparatus and property of gas corporations, electrical corporations, water corporations, and sewer corporations.

(3) Have power, by order, to fix from time to time standards for the measurement of the purity or illuminating power of gas to be manufactured, distributed or sold by persons or corporations for lighting, heating or power purposes, to prescribe from time to time the efficiency of the electric supply system, of the current supplied and of the lamps furnished by the persons or corporations generating and selling electric current, and to fix from time to time standards for the measurement of the purity or pressure of water to be distributed or sold by persons or corporations for any purpose whatsoever, and to fix from time to time the standards for designing, constructing, operating and maintaining sewer systems of sewer corporations, including sewers, sewage pumping stations, sewage treatment works, primary treatment facilities, sludge digestion and disposal facilities, secondary treatment facilities, disinfection facilities, and any and all facilities related thereto; provided, however, that such standards shall be supplemental to and in no way set standards lesser than the minimum standards adopted by the state water pollution board, and by order to require gas so manufactured, distributed or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed or sold by such persons or corporations for lighting, heating or power purposes conforms to the standards of illuminating power, purity and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied and of the lamps furnished, and for the purpose of determining whether the water furnished or sold

conforms to the standard of purity and pressure, and for the purpose of determining whether the sewer system conforms to the standards for designing, constructing, operating and maintaining sewer systems, and conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering and supplying gas, electricity or water, and the collecting, carrying, treating and disposing of sewage, and shall have access, through its members or persons employed and authorized by it, to make such examinations and investigations to all parts of the manufacturing plants owned, used or operated for the manufacture, transmission or distribution of gas or electricity by any such person or corporation, and to all parts of the systems owned, used or operated for the supplying and distribution of water and the collecting, carrying, treating and disposing of sewage by any such person or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except insofar as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor.

(4) Promulgate rules by January 1, 2008, under the authority of section 386.125, RSMo, that establish:

(a) Minimum standards for the management of vegetation in, and adjacent to, the utility system easement or right-of-way of electrical corporations. Such standards may be prescriptive standards, performance standards, or both;

(b) Minimum standards for the inspection, maintenance, repair, and replacement of utility infrastructure used by electrical corporations for the provision of electrical service. Such standards may be prescriptive standards, performance standards, or both;

(c) Minimum reliability standards for the provision of utility service by electrical corporations. Such standards shall include conditions under which electrical corporations shall reimburse any customer who sustains economic loss or damage valued over two hundred dollars that results from electric service outages in violation of the standards developed under this paragraph;

(d) Reporting requirements for electrical corporations under the requirements of paragraphs (a), (b), and (c) of this subdivision. Any reports issued by an electrical corporation under this subdivision shall be made available to the public; and

(e) A schedule of penalties to be assessed against any electrical corporation in violation of any provision of this subdivision, with no single penalty to exceed two hundred fifty thousand dollars per day per violation.

(5) Conduct inspection and monitoring activities as necessary to ensure and enforce compliance by electrical corporations with the standards developed under subdivision 4 of this section.

(6) Have power, in its discretion, to prescribe uniform methods of keeping accounts, records and books, to be observed by gas corporations, electrical corporations, water corporations and sewer corporations engaged in the manufacture, sale or distribution of gas and electricity for light, heat or power, or in the distribution and sale of water for any purpose whatsoever, or in the collection, carriage, treatment and disposal of sewage for municipal, domestic or other necessary beneficial purpose. It may also, in its discretion, prescribe, by order, forms of accounts, records and memoranda to be kept by such persons and corporations. Notice of alterations by the commission in the required method or form of keeping a system of accounts shall be given to such persons or corporations by the commission at least six months before the same shall take effect.

Any other and additional forms of accounts, records and memoranda kept by such corporation shall be subject to examination by the commission.

[(5)] (7) Examine all persons and corporations under its supervision and keep informed as to the methods, practices, regulations and property employed by them in the transaction of their business. Whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaint, that the rates or charges or the acts or regulations of any such persons or corporations are unjust, unreasonable, unjustly discriminatory or unduly preferential or in any wise in violation of any provision of law, the commission shall determine and prescribe the just and reasonable rates and charges thereafter to be in force for the service to be furnished, notwithstanding that a higher rate or charge has heretofore been authorized by statute, and the just and reasonable acts and regulations to be done and observed; and whenever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaints, that the property, equipment or appliances of any such person or corporation are unsafe, insufficient or inadequate, the commission shall determine and prescribe the safe, efficient and adequate property, equipment and appliances thereafter to be used, maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters.

[(6)] (8) Require every person and corporation under its supervision and it shall be the duty of every person and corporation to file with the commission an annual report, verified by the oath of the president, treasurer, general manager or receiver, if any, thereof. The verification shall be made by said official holding office at the time of the filing of said report, and if not made upon the knowledge of the person verifying the same, shall set forth the sources of his information and the grounds of his belief as to any matters not stated to be verified upon his knowledge. The report shall

show in detail the amount of its authorized capital stock and the amount thereof issued and outstanding; the amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding; its receipts and expenditures during the preceding year; the amount paid as dividends upon its stock and as interest upon its bonds; the names of its officers and the aggregate amount paid as salaries to them and the amount paid as wages to its employees; the location of its plant or plants and system, with a full description of its property and franchises, stating in detail how each franchise stated to be owned was acquired; and such other facts pertaining to the operation and maintenance of the plant and system, and the affairs of such person or corporation as may be required by the commission. Such reports shall be in the form, cover the period and be filed at the time prescribed by the commission. The commission may, from time to time, make changes and additions in such forms. When any such report is defective or believed to be erroneous, the commission shall notify the person or corporation making such report to amend the same within a time prescribed by the commission. Any such person or corporation which shall neglect to make any such report or which shall fail to correct any such report within the time prescribed by the commission shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state. The commission may extend the time prescribed for cause shown.

[(7)] (9) Have power, either through its members or inspectors or employees duly authorized by it, to enter in or upon and to inspect the property, buildings, plants, factories, powerhouses, ducts, conduits and offices of any such corporations or persons.

[(8)] (10) Have power to examine the accounts, books, contracts, records, documents and papers of any such corporation or person, and have power, after hearing, to prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited.

[(9)] (11) Have power to compel, by subpoena duces tecum, the production of any accounts, books, contracts, records, documents, memoranda and papers. In lieu of requiring production of originals by subpoena duces tecum the commission or any commissioner may require sworn copies of any such books, records, contracts, documents and papers, or parts thereof, to be filed with it. The commission may require of all such corporations or persons specific answers to questions upon which the commission may need information, and may also require such corporations or persons to file periodic reports in the form, covering the period and filed at the time prescribed by the commission. If such corporation or person shall fail to make specific answer to any question or shall fail to make a periodic report when required by the commission as herein provided within the time and in the form prescribed by the commission for the making and filing of any such report or answer, such corporation or person shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report or answer. Such forfeiture shall be recovered in an action brought by the commission in the name of the state of Missouri. The amount recovered in any such action shall be paid to the public school fund of the state.

[(10)] (12) Have power in all parts of the state, either as a commission or through its members, to subpoena witnesses, take testimony and administer oaths to witnesses in any proceeding or examination instituted before it, or conducted by it, in reference to any matter under sections 393.110 to 393.285.

[(11)] (13) Have power to require every gas corporation, electrical corporation, water

corporation, and sewer corporation to file with the commission and to print and keep open to public inspection schedules showing all rates and charges made, established or enforced or to be charged or enforced, all forms of contract or agreement and all rules and regulations relating to rates, charges or service used or to be used, and all general privileges and facilities granted or allowed by such gas corporation, electrical corporation, water corporation, or sewer corporation; but this subdivision shall not apply to state, municipal or federal contracts. Unless the commission otherwise orders, no change shall be made in any rate or charge, or in any form of contract or agreement, or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, which shall have been filed and published by a gas corporation, electrical corporation, water corporation, or sewer corporation in compliance with an order or decision of the commission, except after thirty days' notice to the commission and publication for thirty days as required by order of the commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect. The commission for good cause shown may allow changes without requiring the thirty days' notice under such conditions as it may prescribe. No corporation shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such services as specified in its schedule filed and in effect at the time; nor shall any corporation refund or remit in any manner or by any device any portion of the rates or charges so specified, nor to extend to any person or corporation any form of contract or agreement, or any rule or regulation, or any privilege or facility, except such as are regularly and uniformly extended to all persons and corporations under like circumstances. The commission shall have power to prescribe the form of every such schedule, and from time to time prescribe by order such changes in the form thereof

as may be deemed wise. The commission shall also have power to establish such rules and regulations, to carry into effect the provisions of this subdivision, as it may deem necessary, and to modify and amend such rules or regulations from time to time.

[(12)] (14) In case any electrical corporation, gas corporation, water corporation or sewer corporation engaged in carrying on any other business than owning, operating or managing a gas plant, electric plant, water system or sewer system which other business is not otherwise subject to the jurisdiction of the commission, and is so conducted that its operations are to be substantially kept separate and apart from the owning, operating, managing or controlling of such gas plant, electric plant, water system or sewer system, said corporation in respect to such other business shall not be subject to any of the provisions of this chapter and shall not be required to procure the consent or authorization of the commission to any act in such other business or to make any report in respect thereof. But this subdivision shall not restrict or limit the powers of the commission in respect to the owning, operating, managing or controlling by such corporation of such gas plant, electric plant, water system or sewer system, and said powers shall include also the right to inquire as to, and prescribe the apportionment of, capitalization, earnings, debts and expenses fairly and justly to be awarded to or borne by the ownership, operation, management or control of such gas plant, electric plant, water system or sewer system as distinguished from such other business. In any such case if the owning, operating, managing or controlling of such gas plant, electric plant, water system or sewer system by any such corporation is wholly subsidiary and incidental to the other business carried on by it and is inconsiderable in amount and not general in its character, the commission may by general rules exempt such corporation from making full reports and from the keeping of accounts as to such subsidiary and incidental business.

393.141. The costs associated with any penalties paid by an electrical corporation under section 393.144 or with any reimbursements paid to customers under paragraph (c) of subdivision (4) of section 393.140 shall be borne solely by such corporation's shareholders, and shall not be passed on to the corporation's customers in any form.

393.144. 1. In addition to any other remedy provided by law, upon a determination by the commission that any standard, rule, or regulation promulgated pursuant to subdivision 4 of section 393.140 has been violated by any electrical corporation, the commission may issue an order assessing an administrative penalty upon the violator under this section. An administrative penalty shall not be imposed until the commission has sought to resolve the violations through conference, conciliation and persuasion. If the violation is resolved through conference, conciliation and persuasion, no administrative penalty shall be assessed unless the violation was knowingly committed.

2. The maximum amount of administrative penalties assessed pursuant to this section shall be no more than two hundred fifty thousand per day, or part thereof, for each violation. In determining the amount of the administrative penalty, the commission shall take into consideration all relevant circumstances, including, but not limited to, the harm which the violation causes or may cause, the violator's previous compliance record with the standards in subdivision (4) of section 393.140, the nature and persistence of the violation, any corrective actions taken, and any other factors which the commission may reasonably deem relevant.

3. Any order assessing an administrative penalty shall state that an administrative penalty is being assessed under this section and that the corporation subject to the penalty may appeal as provided by this section. Any such

order which fails to state the law or regulation under which the penalty is being sought, the manner of collection or rights of appeal shall result in the state's waiving any right to collection of the penalty. An administrative penalty shall be paid within sixty days from the date of issuance of the order assessing the penalty. Any corporation subject to an administrative penalty may appeal to the commission. Any appeal shall stay the due date of such administrative penalty until the appeal is resolved. Any corporation that fails to pay an administrative penalty by the final due date shall be liable to the state for a surcharge of fifteen percent of the penalty plus ten percent per annum on any amounts owed. Any administrative penalty paid pursuant to this section shall be handled in accordance with section 7 of article IX of the Missouri Constitution. An action may be brought in the appropriate circuit court to collect any unpaid administrative penalty, and for attorney's fees and costs incurred directly in the collection thereof.

4. An administrative penalty assessed under this section shall not be increased in those instances where commission action, or failure to act, has caused a continuation of the violation that was a basis for the penalty. Any administrative penalty shall be assessed within two years following the commission's initial discovery of such alleged violation, or from the date the commission in the exercise of ordinary diligence should have discovered such alleged violation.

5. Any final order imposing an administrative penalty under this section is subject to judicial review upon the filing of a petition pursuant to section 536.100, RSMo, by any corporation subject to the administrative penalty. No judicial review shall be available, however, until all administrative remedies are exhausted.

6. The state may elect to assess an administrative penalty under this section, or, in lieu thereof, to request that the attorney general or prosecutor file an appropriate legal action seeking a civil penalty in the appropriate circuit court.”; and

Further amend said bill, page 5, section B, line 1, by striking “Section A” and inserting in lieu thereof the following: “The enactment of sections 393.1020, 393.1025, 393.1030, 393.1035, and 393.1040”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Koster raised the point of order that **SA 1** is out of order as it exceeds the scope of the title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 54, Pages 1-2, Section 393.1020, by striking all of said section from the bill; and

Further amend said bill, pages 2-4, section 393.1025, by striking all of said section from the bill; and

Further amend said bill, page 4, section 393.1030, by striking all of said section from the bill; and

Further amend said bill, pages 4-5, section 393.1035, by striking all of said section from the bill; and

Further amend said bill, page 5, section 393.1040, by striking all of said section from the bill; and inserting in lieu thereof the following:

“393.320. As used in sections 393.320 to 393.332, the following terms mean:

(1) “Commission”, the public service commission;

(2) “Department”, the department of natural resources;

(3) “Renewable energy resources”, energy from wind, solar thermal sources, photovoltaic cells and panels, dedicated crops grown for energy production, plant-based residues, fuel cells using hydrogen produced by a renewable energy source, and other alternative sources of energy as defined by rule by the department; and

(4) “Renewable energy credit”, a certificate of proof that one kilowatt-hour of electricity has been generated from renewable energy sources.

393.323. 1. The department shall, in consultation with the commission, prescribe by rule a portfolio requirement for all retail suppliers of electrical energy, including municipal and cooperative utilities, to generate or purchase electricity generated from renewable energy resources. Such portfolio requirement shall provide that electricity from renewable energy sources shall constitute:

(1) No less than one percent of retail sales for each supplier of electrical energy after December 31, 2009;

(2) No less than three percent of retail sales for each supplier of electrical energy after December 31, 2013;

(3) No less than six percent of retail sales for each supplier of electrical energy after December 31, 2017; and

(4) No less than ten percent of retail sales for each supplier of electrical energy in each year after December 31, 2021.

Such portfolio requirement shall apply to all suppliers of electrical energy to consumers in this state and to all power sold to Missouri consumers whether such power is self-generated or purchased from another source in or outside

of this state.

2. Each supplier of electricity shall provide documentation to the department and commission demonstrating the acquisition of renewable energy credits by self-generation, purchase, or trade sufficient to fulfill the provisions of subsection 1 of this section.

3. The department, in consultation with the commission and within one year of the effective date of sections 393.320 to 393.332, shall establish by rule a program for trading renewable energy credits. Any electric supplier that provides renewable energy to its retail customers or members in excess of the percentages specified in subsection 1 of this section may sell or otherwise transfer to any other electric supplier excess renewable energy credits at any negotiated price. Such rules shall specify:

(1) Requirements for tracking, recording, and verifying the trading of renewable energy credits;

(2) Requirements for general compliance with a credit trading program;

(3) Requirements for certification of renewable energy credits under subsection 4 of this section;

(4) Requirements for participation in any regional system that relates to trading renewable energy credits;

(5) Provisions for flexibility in the event that an electric supplier is, by reason of necessity, unable to meet the requirements of subsection 1 of this section; and

(6) Provisions for the recovery of costs through customer billing if necessary, with the amount of any such charge not to exceed fifty cents per month for each residential customer.

4. The department shall, in consultation with the commission, establish by rule a certification process for power generated from

renewable resources and used to fulfill the requirements of subsection 1 of this section. To the extent feasible, the certification process shall be consistent with operational practices of the regional transmission organizations active in the midwestern region of the United States. Certification criteria for renewable energy generation shall be determined by factors that include fuel type, technology, and the environmental impacts of the generating facility. Renewable energy facilities shall not cause undue adverse air, water, or land use impacts, including impacts associated with the gathering of generation feedstocks. If any amount of fossil fuel is used with renewable energy sources to generate energy to fulfill the requirements of subsection 1 of this section, only the portion of electricity output that is attributable to renewable energy resources shall be used to fulfill such requirements.

5. Electricity suppliers that fail to acquire sufficient renewable energy credits to comply with the requirements of subsection 1 of this section in any compliance period shall forfeit for each kilowatt-hour deficiency an amount equal to three times the average market cost of a renewable energy credit during that compliance period. Amounts forfeited under this section shall be remitted to the department to purchase renewable energy credits needed for compliance. Any excess forfeited revenues shall be used by the department's energy center solely for renewable energy and energy efficiency programs.

393.326. 1. A supplier of electrical energy may receive additional credit toward meeting the requirements of section 393.323 if it acquires renewable resources physically located in this state or renewable energy credits from a renewable resource physically located in this state:

(1) Where the renewable resource project commenced construction after December 31,

2006; and

(2) Where the renewable energy developer, during construction of the renewable resource project, used apprenticeship programs approved by the department of economic development; and

(3) Where the apprenticeship programs shall have met the following benchmarks:

(a) Minimum levels of apprenticeship programs constitute ten percent of total labor hours for projects commencing construction after December 31, 2009;

(b) Minimum levels of apprenticeship programs constitute twelve and one-half percent of total labor hours for projects commencing construction after December 31, 2015; or

(c) Minimum levels of apprenticeship programs constitute fifteen percent of total labor hours for projects commencing construction after December 31, 2022.

2. The department shall determine the amount of additional credit to be awarded under this section.

393.329. 1. All suppliers of electrical energy shall disclose to any person upon request standard and useful information regarding the generation attributes of electricity sold by the supplier.

2. For electrical corporations, information to be supplied under this section shall be presented in a uniform label in an easily understood format. The commission shall develop rules necessary to implement the requirements of this subsection, within one year from the effective date of this section. The label shall contain, but not be limited to, the following information:

(1) The sources of energy supplied, specified by percentages, of biomass power, coal-fired power, hydropower, natural gas-fired

power, nuclear power, oil-fired power, solar power, wind power, and other resources in such format as the commission shall require;

(2) A standardized chart in a format determined by the commission that provides the amounts of carbon dioxide, nitrous oxides, sulfur dioxide emissions, and nuclear waste attributable to the known sources of electricity supplied as set forth in subdivision (1) of this subsection; and

(3) Any other information as the commission may determine that permits and facilitates customer understanding of the environmental consequences of electrical generation and use.

3. The information required to be disclosed under this section shall be updated quarterly and presented on the supplier's Internet homepage. Such information shall also be presented quarterly to the commission for inclusion on its Internet homepage.

393.332. 1. The department shall promulgate rules necessary for the administration of sections 393.320 to 393.332.

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

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above

amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Justus and Wilson.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Graham	Green	Justus	Kennedy
McKenna	Smith	Wilson—11	

NAYS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Gross
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Stouffer
Vogel—21			

Absent—Senators

Barnitz	Bartle—2
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Absent with leave—Senators—None

Vacancies—None

Senator Koster moved that **SCS** for **SB 54** be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 54** was declared perfected and ordered printed.

Senator Rupp moved that **SB 169**, with **SCS**, **SS** for **SCS**, **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

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

At the request of Senator Rupp, **SB 169**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 268** and **SCS** for **SB 16**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 456** and **SCS** for **SB 16** to the Committee on Governmental Accountability and Fiscal Oversight.

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 passed **HCS** for **HB 16**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate recessed until 3:45 p.m.

RECESS

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

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 524, regarding Elizabeth Brandow, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 525, regarding Kayla Kohler, Florissant, which

was adopted.

Senator Coleman offered Senate Resolution No. 526, regarding Jane Allen, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 527, regarding Nadia Ziadi, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 528, regarding Lindsey Knoll, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 529, regarding Victoria Duckworth, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 530, regarding Margaret Lowry, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 531, regarding Sarah E. Fichtinger, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 532, regarding Janelle Delmez, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 533, regarding Carrie Malcom, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 534, regarding Lauren Faye Albinson, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 535, regarding Kimberlee Boltz, Lake Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 536, regarding Tricia Hobbs, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 537, regarding Ashley Lauren Wall, Florissant, which was adopted.

Senator Coleman offered Senate Resolution

No. 538, regarding Natalie Freiburger, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 539, regarding Stacy Elizabeth Portilla, Saint Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 540, regarding Grace Joan Cline, Saint Louis, which was adopted.

Senator Justus offered Senate Resolution No. 541, regarding the death of Claude "Chico" Carlock, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 542, regarding the Kansas City Ballet, which was adopted.

Senator Clemens offered Senate Resolution No. 543, regarding Deputy Curtis Hunt, Greene County, which was adopted.

Senator Clemens offered Senate Resolution No. 544, regarding Deputy Brian Robinson, Greene County, which was adopted.

Senator Justus offered Senate Resolution No. 545, regarding the death of Mark Anthony Dover, Parkville, which was adopted.

Senator Lager offered Senate Resolution No. 546, regarding the One Hundredth Birthday of Jean Clark, Bethany, which was adopted.

Senator Lager offered Senate Resolution No. 547, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Lindsay, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 548, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lester Rodgers, Marceline, which was adopted.

Senator Lager offered Senate Resolution No. 549, regarding the Ninetieth Birthday of Yvonne Ramsey, Merriam Woods, which was adopted.

Senator Lager offered Senate Resolution No. 550, regarding the Eightieth Birthday of Ken

Privett, Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 551, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Callow, Maitland, which was adopted.

Senator Ridgeway offered Senate Resolution No. 552, regarding Ammon Sarver, Liberty, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 22**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 22**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 22

An Act to repeal sections 41.655, 50.565, 50.660, 64.907, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1158, 67.1360, 67.1451, 67.2500, 67.2510, 71.011, 71.012, 72.080, 78.610, 89.010, 89.400, 100.050, 100.059, 110.150, 137.055, 137.115, 206.090, 250.140, 260.830, 260.831, 393.825, 393.847, 393.900, 393.933, 537.610, RSMo, and section 67.2505, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof fifty-two new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Griesheimer moved that **SCS** for

SB 22 be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 22**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 22

An Act to repeal sections 41.655, 50.565, 50.660, 58.500, 58.510, 64.907, 64.940, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.2500, 67.2510, 67.2555, 71.011, 71.012, 72.080, 78.610, 79.050, 87.006, 89.010, 89.400, 100.050, 100.059, 105.971, 110.150, 110.130, 110.140, 110.150, 137.055, 137.115, 206.090, 235.210, 247.060, 250.140, 260.830, 260.831, 320.200, 320.271, 320.300, 320.310, 393.825, 393.847, 393.900, 393.933, 473.743, 479.011, 650.340, RSMo, and section 67.2505, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof sixty-eight new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections.

Senator Griesheimer moved that **SS** for **SCS** for **SB 22** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 5, Section 50.032, Lines 10-14 of said page, by striking all of said lines and inserting in lieu

thereof the following: **“in mandatory mediation if a dispute concerning a financial expenditure arises between such county and another county as to which county is fully responsible or if both”**.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 86, Section 87.006, Line 24 of said page, by inserting after “evidence” the following: **“and it can be proven to a reasonable degree of medical certainty that the condition did not result nor was contributed to by the voluntary use of tobacco”**.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Pages 135-140, Section 321.229, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Gross offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 109, Section 137.055, Line 14 of said page, by inserting after all of said line the following:

“137.094. 1. Every person, corporation, partnership or association, subject to taxation

under the laws of this state, owning or controlling tangible personal property taxable by any such county, except merchants and manufacturers, and except railroads, public utilities, pipeline companies or any other person or corporation subject to special statutory tax requirements, who shall return and file their assessments on locally assessed property no later than April first, shall file with the assessor of the county an itemized return listing all the tangible personal property so owned or controlled on January first of each year, together with such additional information as required by the assessor to permit a determination of its value. The returns shall be delivered to the office of the assessor of the county between the first day of January and the first day of March of each year and shall be signed and certified by the taxpayer as being a true and complete list or statement of all the taxable tangible personal property and the estimated true value thereof. The assessor shall have available at his office a supply of appropriate forms or blanks on which the return by the taxpayer shall be made. For the convenience of taxpayers the assessor shall mail to or leave at the residence or place of business of the taxpayer a form for making the return. All tangible personal property of whatever nature and character situate in a county other than the one in which the taxpayer resides shall be listed in the itemized return listing all tangible personal property to be provided to the assessor for the county of the owner or controller's residence address, except that house boats, cabin cruisers, floating boat docks, and manufactured homes, as defined in section 700.010, RSMo, used for lodging shall be listed in the itemized return provided to the county assessor for the county in which such property is located. For purposes of this section, the term “residence address” shall have the same meaning as provided under section 302.010, RSMo.

2. Any person, corporation, partnership or association, that may hereafter knowingly violate the provisions of this section shall upon conviction be deemed guilty of a misdemeanor.”; and

Further amend said bill, Page 132, Section 260.831, Line 7 of said page, by inserting after all of said line the following:

“302.010. Except where otherwise provided, when used in this chapter, the following words and phrases mean:

(1) “Circuit court”, each circuit court in the state;

(2) “Commercial motor vehicle”, a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;

(3) “Conviction”, any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term “conviction” means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;

(4) “Director”, the director of revenue acting directly or through the director's authorized officers and agents;

(5) “Farm tractor”, every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

(6) “Highway”, any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

(7) “Incompetent to drive a motor vehicle”, a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;

(8) “License”, a license issued by a state to a person which authorizes a person to operate a motor vehicle;

(9) “Motor vehicle”, any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180, RSMo;

(10) “Motorcycle”, a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010, RSMo;

(11) “Motortricycle”, a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

(12) “Moving violation”, that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

(13) “Municipal court”, every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(14) “Nonresident”, every person who is not a resident of this state;

(15) “Operator”, every person who is in actual physical control of a motor vehicle upon a highway;

(16) “Owner”, a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon

performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

(17) “Record” includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

(18) **“Residence address”, residence, or resident address shall be the location or residence within this state in which the applicant physically currently resides. Proof of such address, residence, or resident address may be required in the form of voter registration or other such form established by the director by administrative rule;**

(19) “Restricted driving privilege”, a driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program;

[(19)] (20) “School bus”, when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term “school bus” shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

[(20)] (21) “School bus operator”, an operator who operates a school bus as defined in subdivision [(19)] (20) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term “school bus operator” shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

[(21)] (22) “Signature”, any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document;

[(22)] (23) “Substance abuse traffic offender program”, a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 13 of section 302.304 and subsections 1 and 5 of section 302.540;

[(23)] (24) “Vehicle”, any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Days offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 152, Section 479.011, Line 13 of said page, by inserting after all of said line the following:

“644.597. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.598. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.599. In addition to those sums authorized prior to August 28, 2007, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of

twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 9, Section 50.660, Line 22 of said page, by inserting after all of said line the following:

“57.265. 1. In order to protect the well-being and safety of Missouri citizens and support county sheriff’s departments, there is hereby created in the state treasury the “Public Safety Enhancement Fund”, which shall consist of money transferred from the general revenue fund in an amount that is necessary to fund the grant program established under subsection 2 of this section. The fund shall be administered by the department of public safety. The money in the fund shall be used solely for the administration of such program. 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; however, the fund shall terminate on June 30, 2011, and all moneys remaining in the fund on such date shall revert to the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Subject to appropriations from the public safety enhancement fund, the department of public safety shall create a program to distribute grants to counties for the purpose of supplementing the expense of law

enforcement activities of county sheriff's departments. Any county shall be eligible and may apply to receive a grant for fiscal year to supplement such activities. The enrollment period for the first year of this grant program shall be from August 29, 2007, to December 31, 2007.

3. When administering this grant program, the department of public safety shall coordinate and consult with the Missouri sheriffs' association for review of applications and disbursement of the grant money.

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

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted.

Senator Gross offered SA 1 to SA 6:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 2, Section 57.265, Line 24 of said amendment, by inserting after all of said

line the following:

“Section 1. 1. Notwithstanding any other provision of law to the contrary, as of August 28, 2007, all provisions of state law relating to county law enforcement shall expire, and the Missouri state police department, as provided for in this section, shall be created. The state police department may be funded, partially or completely by money deposited into the public safety enhancement fund, as created by section 57.265, RSMo. The state police department shall assume all responsibilities and duties formerly held by county law enforcement agencies.

2. The mission of the state police shall be to serve, protect, and defend the people of this state while preserving the rights and dignity of all. The mission shall include the following priorities:

(1) To prevent crime and enforce the law by:

(a) Protecting people and property;

(b) preventing and detecting crime and other violations of law; and

(c) Pursuing criminal investigations and arresting criminals;

(2) To ensure highway safety by:

(a) Making our roads safe for all users by:

a. Maintaining regular patrols;

b. Providing saturation patrols for speed and DWI enforcement, including providing sobriety checkpoints;

c. Providing for emergency and disaster services; and

(b) Reducing death, injury, and property damage caused by motor vehicle accidents through vehicle and traffic enforcement and education through specialized units including:

a. Drug enforcement task forces;

b. Community narcotics enforcement teams;

c. Violent felony warrant squads;

d. Violent crime investigation teams;

e. Firearms tracing unit;

f. Forensic investigative support services;

(3) To render general assistance to all in need and protect citizens and their property from harm and to resolve problems in partnership with other service providers;

(4) To promote peace and order by:

(a) Providing disorder control and security in all types of natural and man-made emergencies; and

(b) Providing for the safety and security of individuals and groups of citizens in furtherance of their rights, duties, and responsibilities; and

(5) To provide high quality support to:

(a) Provide the highest quality support services in an efficient manner; and

(b) Support others by creating partnerships for safety and security with individuals, groups, and communities throughout the state.

3. The state police department shall be a full service police department and shall share jurisdiction and work cooperatively with municipal law enforcement agencies.

4. The general headquarters of the state police department shall be located in Jefferson City, Missouri. A superintendent shall be the head administrator and police officer of the department. The superintendent shall be appointed by the governor with the advice and consent of the senate. The state police department shall be divided into two branches, the uniform branch and the bureau of criminal investigation, under the direct operational supervision of the deputy superintendent. Each

branch shall fulfill its own responsibilities, but shall also be required to support and cooperate with the other branch, and with other law enforcement agencies in the state.

5. The uniform force shall conduct active patrols of specific geographic regions and shall be the first responder to most calls for police services. The uniform force shall be organized into troop divisions. There shall be separate troop divisions with one located in each congressional district. The members of each division shall be called "uniform troopers". Uniform troopers shall perform routine patrols, provide primary and initial response to all types of calls for services, including but not limited to, burglaries, missing children, assaults, robberies, and homicides.

6. The bureau of criminal investigation shall be responsible for cases requiring extensive investigation or involving felonies. In addition to conducting investigations initiated by the state police department, investigators within the bureau shall be available to assist municipal police departments that lack personnel, expertise, or material needed for major crime investigations. Specialists within the bureau shall deal with complicated cases related to narcotics, violent and serial crimes, child abuse and sexual exploitation, computer and technology-related crimes, bias-related crimes, auto theft, consumer product tampering, organized crime, and numerous other crimes.

7. A special unit of the state police department shall be formed and shall be staffed with personnel from the uniform force and the bureau of criminal investigation. The special unit shall be called the office of counter terrorism. The office shall be responsible for overseeing and coordinating all activities related to preventing, investigating and responding to terrorist-related matters. The office shall interact with the bureau and the

uniform force to ensure that information is shared appropriately and that all terrorism-related issues are brought to the forefront for investigative and notification purposes. Additionally, the office shall be responsible for maintaining liason with the state's Office of Homeland Security, the Missouri state highway patrol, the federal bureau of investigation, and other relevant law enforcement agencies associated with the investigation, prevention, and response to terrorism. All the state police department troop divisions are responsible for directly notifying the office of all incidents, responses, and investigations related to, or suspected to be related to, terrorism.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Koster requested a roll call vote be taken on the adoption of SA 1 to SA 6 and was joined in his request by Senators Bray, Callahan, Justus and Shoemyer.

SA 1 to SA 6 failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Clemens	Gibbons
Green	Gross	Lager	Loudon
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—16

NAYS—Senators

Barnitz	Callahan	Coleman	Crowell
Days	Engler	Goodman	Graham
Griesheimer	Justus	Kennedy	Koster
Mayer	Shoemyer	Smith	Wilson—16

Absent—Senators

Champion McKenna—2

Absent with leave—Senators—None

Vacancies—None

Senator Gross offered SA 2 to SA 6:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 2, Section 57.265, Line 24 of said amendment, by after all of said line the following:

“Section 1. 1. There is hereby created in the state treasury the “Public Services Enhancement Fund”, which shall consist of money transferred from the general revenue fund in an amount that is necessary to fund the grant program established under subsection 2 of this section. The fund shall be administered by the department of public safety. The money in the fund shall be used solely for the administration of such program. 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; however, the fund shall terminate on June 30, 2011, and all moneys remaining in the fund on such date shall revert to the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Subject to appropriations from the public services enhancement fund, the department of public safety shall create a program to distribute grants to counties for the purpose of supplementing the expense of all non-law enforcement activities of the county or municipal government. Any county or municipality shall be eligible and may apply to receive a grant for fiscal year to supplement such activities. The enrollment period for the first year of this grant program shall be from August 29, 2007, to December 31, 2007.

3. The department of public safety shall

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

Further amend the title and enacting clause accordingly.

At the request of Senator Koster, SA 6 was withdrawn, rendering the amendment offered by Senator Gross moot.

Senator Green offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 152, Section 479.011, Line 13 of said page, by inserting immediately after said line the following:

“650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution **from the county or city not within a county where the original prosecution in circuit court occurred**. The individual may receive an amount of fifty dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition

for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term “actually innocent” shall mean:

(1) The individual was convicted of a felony for which a final order of release was entered by the court;

(2) All appeals of the order of release have been exhausted;

(3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated; and

(4) Testing ordered under section 547.035, RSMo, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The [department of corrections] **county treasurer or treasurer of the city not within a county** shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the [department] **county or city not within a county** shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated **for such purpose**. Provided sufficient

moneys are appropriated [to the department], the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831, RSMo.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, RSMo, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262, RSMo.

3. A petition for payment of restitution under this section may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest,

plea, trial or conviction. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Green offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 120, Section 137.1040, Line 3 of said page, by inserting after all of said line the following:

“144.757. 1. Any county or municipality, except municipalities within a county having a charter form of government with a population in excess of nine hundred thousand, may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of the county or municipality submits to the

voters thereof at a municipal, county or state general, primary or special election a proposal to authorize the governing body of the county or municipality to impose a local use tax pursuant to sections 144.757 to 144.761. Municipalities within a county having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission, except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

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".

(2) (a) The ballot of submission in a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

For the purposes of [economic development]

enhancing county and municipal public safety, parks, and job creation and enhancing local government services, shall the county be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? Fifty percent of the revenue shall be used [for economic development, including retention, creation, and attraction of better-paying jobs], **by the county throughout the county for improving and enhancing public safety, park improvements, and job creation**, and fifty percent shall be used for enhancing local government services. The county shall be required to make available to the public an audited comprehensive financial report detailing the management and use of [economic development] **the countywide portion of the funds** each year.

A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

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".

(b) The ballot of submission in a municipality within a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised

by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

YES NO

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

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

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".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are

in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

4. For purposes of sections 144.757 to 144.761, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.

144.759. 1. All local use taxes collected by the director of revenue pursuant to sections 144.757 to 144.761 on behalf of any county or municipality, 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 with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by sections 144.757 to 144.761, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals one-half the rate of sales tax in effect for such county shall be disbursed to the county treasurer for expenditure [for economic development purposes, as defined in this section] **throughout the county for public safety, parks, and job creation**, subject to any qualifications and regulations adopted by ordinance of the county. Such ordinance shall require an audited comprehensive financial report detailing the management and use of [economic development] **such** funds each year. Such ordinance shall also require that the county and the municipal league of the county jointly prepare [an economic development] a strategy to guide expenditures of

funds and conduct an annual review of the strategy. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the two-thirds remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention 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 or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed pursuant to sections 144.757 to 144.761, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

[5. As used in this section, “economic development” means:

(1) Expenditures for infrastructure and sites for business development or for public infrastructure projects;

(2) Purchase, assembly, clearance, demolition, environmental remediation, planning, redesign, reconstruction, rehabilitation, construction, modification or expansion of land, structures and facilities, public or private, either in connection with a reinvestment project in areas with underused, derelict, economically challenged, or environmentally troubled sites, or in connection with business attraction, retention, creation, or expansion;

(3) Expenditures related to business district activities such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches, and other public improvements;

(4) Expenditures for the provision of

workforce training and educational support in connection with job creation, retention, attraction, and expansion;

(5) Development and operation of business incubator facilities, and related entrepreneurship support programs;

(6) Capitalization or guarantee of small business loan or equity funds;

(7) Expenditures for business development activities including attraction, creation, retention, and expansion; and

(8) Related administration expenses of economic and community development programs, provided that such expenses shall not exceed five percent of annual revenues.]”;

Further amend said bill, Page 153, Section 650.340, Line 25 of said page, by inserting after all of said line the following:

“650.396. A county in which an emergency communications system commission has been established may, by a majority vote of the qualified voters voting thereon, levy and collect a tax on the taxable real property in the district, not to exceed six cents per one hundred dollars of assessed valuation, **or a sales tax not to exceed one-tenth of one percent, or a use tax equal to the total of the existing county sales tax rate, provided that if the county sales tax is repealed, reduced, or raised by voter approval, the local use tax rate shall also be repealed, reduced, or raised by the same voter action,** to accomplish any of the following purposes:

(1) The provision of necessary funds to establish, operate and maintain an emergency communications system to serve the county in which the commission is located; and

(2) The provision of funds to supplement existing funds for the operation and maintenance of an existing emergency communications system in the county in which the commission is located.

650.399. 1. The board of commissioners may,

by a majority vote of its members, request that the governing body of the county submit to the qualified voters of such county at a general, primary or special election [either] one of the questions contained in subsection 2 of this section. The governing body may approve or deny such request. The governing body may also vote to submit such question without a request of the board of commissioners. The county election official shall give legal notice of the election pursuant to chapter 115, RSMo.

2. The questions shall be put in substantially the following form:

(1) "Shall (name of county) establish an emergency communications system fund to establish (and/or) maintain an emergency communications system, and for which the county shall levy a tax of (insert exact amount, not to exceed six cents) per each one hundred dollars assessed valuation therefor, to be paid into the fund for that purpose?"

YES NO; or

(2) "Shall (name of county) establish an emergency communications system fund to establish (and/or) maintain an emergency communications system, and for which the county shall levy a sales tax of (insert exact amount, not to exceed one-tenth of one percent), to be paid into the fund for that purpose?"

YES NO; or

(3) For the purposes of enhancing county and municipal public safety, parks, and job creation and enhancing local government services, shall the county be authorized to collect a local use tax equal to the total of the existing county sales tax rate, provided that if the county sales tax is repealed, reduced, or raised by voter approval, the local use tax rate shall also be repealed, reduced, or raised by the same voter action? Fifty percent of the revenue shall be used by the county throughout the county for improving and enhancing public

safety, park improvements, and job creation, and fifty percent shall be used for enhancing local government services. The county shall be required to make available to the public an audited comprehensive financial report detailing the management and use of the countywide portion of the funds each year.

A use tax is equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

YES NO

3. The election shall be conducted and vote canvassed in the same manner as other county elections. If the majority of the qualified voters voting thereon vote in favor of such tax, then the county shall levy such tax in the specified amount, beginning in the tax year immediately following its approval. The tax so levied shall be collected along with other county taxes in the manner provided by law. If the majority of the qualified voters voting thereon vote against such tax, then such tax shall not be imposed unless such tax is resubmitted to the voters and a majority of the qualified voters voting thereon approve such tax."; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Green offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 132, Section 260.831, Line 7 of said page, by inserting immediately after said line the following:

"320.096. 1. Except as provided in subsection 2 or 4 of this section, fire protection districts as defined in section 321.010, RSMo,

municipal fire departments and volunteer protection associations, as defined in section 320.300, shall be the sole providers of fire suppression response and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, or special operations, within their legally defined boundaries.

2. Upon the approval by a majority vote of the governing body of a registered fire protection district, municipal fire department, or volunteer fire protection association, any other association, organization, group, or political subdivision may provide the fire suppression response and related activities described in subsection 1 of this section, within the legally defined boundaries of such registered fire protection district, municipal fire department, or volunteer fire protection association.

3. Any association, organization, group, or political subdivision denied authorization to provide fire suppression response and related activities as provided by subsection 2 of this section may, within thirty days of such denial, appeal such denial to the circuit court with jurisdiction over such registered fire protection district, municipal fire department, or volunteer fire protection association. The appeal shall be a trial de novo in the manner prescribed for nonjury civil proceedings.

4. This section shall not be construed to supersede any provision in chapter 190, RSMo, or chapter 321, RSMo, relating to the formation and operation of any fire protection district, ambulance district, or ambulance service. This section shall not prohibit any fire protection district, municipal fire department, or volunteer protection association from accepting assistance when requested from another fire protection district, municipal fire department, or volunteer protection association during an emergency without a vote of the governing body.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 74, Section 67.2555, Line 22 of said page, by inserting after all of said line the following:

“70.515. **Subject to the applicable provisions of section 70.545**, the Regional Investment District Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:

[KANSAS AND MISSOURI] REGIONAL INVESTMENT DISTRICT COMPACT

I. AGREEMENT AND PLEDGE

The [states of Kansas and Missouri] **participants in this Compact** agree to and pledge, each to the other, faithful cooperation in the support of regional programs and initiatives to benefit and serve the Kansas City metropolitan area, holding in high trust for the benefit of the people and of the nation, the special blessings and natural advantages thereof.

II. POLICY AND PURPOSE

The [states of Kansas and Missouri desire, by common action,] **purpose of this Compact** is to provide support for regional programs and initiatives that will produce significant benefit to the Kansas City metropolitan area, with the goal of making more efficient use of resources through inter-jurisdictional cooperation on strategic regional programs and initiatives involving public transit.

III. DEFINITIONS

A. “Commission” means the governing body of the [Kansas and Missouri] Regional Investment District.

B. “District” means the [Kansas and Missouri]

Regional Investment District.

C. “[Kansas and Missouri] Regional Investment District” or “District” means a political subdivision of the states [of Kansas and Missouri, which] **that have adopted this Compact**, is created by this Compact and which is composed of **Buchanan County and of** those Kansas and Missouri counties, cities and other political subdivisions that are now or hereafter shall become parties to the Articles of Agreement executed on January 1, 1972, and thereafter amended, which geographic area covered by those political subdivisions is therein designated as the Mid-America Regional Planning Area.

D. “Mid-America Regional Council or MARC” means the body corporate and politic created by the Articles of Agreement, originally executed on January 1, 1972, and as thereafter amended, which therein assumed all the rights, duties and obligations of the Mid-America Council of Governments and the Metropolitan Planning Commission - Kansas City Region.

E. “Oversight Committee or Committee” means a body or bodies appointed by the Commission for a Regional Program that shall be constituted as set forth in Article IX of this Compact and that shall have the powers set forth in Article X of this Compact.

F. “Program Plan” means a plan developed for a proposed ballot question by the Commission, as required by Article VI, Section C of this Compact, that describes a Regional Program and provides for the appropriation and use of moneys derived from the sales tax authorized by this Compact in support of that Regional Program.

G. “Public Transit System” or “Transit System” means, without limitation, a regional system of public transit, consisting of property, structures, improvements, vehicles, potentially including, but not limited to, vans, buses, bus rapid transit, commuter rail, and other fixed guideways, equipment, software, telecommunications networks, plants, parking or other facilities, transit centers, stops, park-n-ride lots, transit related surface transportation improvements and

rights-of-way used or useful for the purposes of public transit, which provides significant regional benefit, and the acquisition, construction, reconstruction, repair, maintenance, administration and operations thereof and similar activities related thereto, whether operated by one or multiple entities.

H. “Regional Program” means a program involving a Public Transit System.

IV. DISTRICT

A. Upon this Compact being entered into law by the [Legislatures] **Legislature** of the [respective states] **State of Missouri**, the Regional Investment District is created and shall include Buchanan County, Missouri, and all the geographic area within the jurisdictional limits of those [Kansas and] Missouri counties that are parties to the Articles of Agreement executed on January 1, 1972, and thereafter amended, which area is designated as the Mid-America Regional Planning Area, and currently includes the following counties:

Clay County, Missouri [Wyandotte County, Kansas]

Platte County, Missouri [Johnson County, Kansas]

Jackson County, Missouri [Leavenworth County, Kansas]

Cass County, Missouri

Ray County, Missouri

B. In the event that the Legislature of the State of Kansas enacts legislation adopting this Compact, the Regional Investment District shall also include all the geographic area within the jurisdictional limits of those Kansas counties that are parties to the Articles of Agreement executed on January 1, 1972, and thereafter amended, which area is designated as the Mid-America Regional Planning Area, and currently includes the following counties:

Wyandotte County, Kansas

Johnson County, Kansas

Leavenworth County, Kansas

C. The District automatically shall be expanded to include Kansas and Missouri cities, counties and other political subdivisions that hereafter shall become parties

to the Articles of Agreement executed on January 1, 1972, and thereafter amended, upon the execution of the Articles of Agreement by the governing body of such political subdivisions.

V. THE COMMISSION

A. The District shall be governed by the Commission, which shall be a body corporate and politic and shall be composed of voting members of MARC, as that Council is constituted from time to time and which is also known as the Board of Directors and may include an elected chief official from Buchanan County appointed by its chief official. All of the members of the Commission shall be elected officials from the jurisdiction that appointed them as voting members of MARC's Board of Directors; **provided that all members of the Commission shall be from a jurisdiction in a state that has adopted the Compact.**

B. The terms of the members of the Commission shall expire concurrently with the member's tenure as an elected official of a jurisdiction that is a party to MARC's Articles of Agreement. If a jurisdiction that is a party to MARC's Articles of Agreement appoints a different member of its governing body to MARC, that newly appointed individual shall assume the position of the member replaced. Each member shall serve until that member's replacement has been sworn in as an elected official.

C. The Commission shall begin functioning immediately upon creation of the District, as provided for in Article IV, Section A hereof.

D. The Commission shall select annually, from its membership, a chairperson, a vice chairperson, and a treasurer. The treasurer shall be bonded in the amounts the Commission may require.

E. The Commission may appoint the officers, agents, and employees, as it may require for the performance of the Commission's duties, and shall determine the qualifications and duties and fix the compensation of those officers, agents and employees.

F. The Commission shall fix the time and place at which its meetings shall be held. Meetings shall be held within the District and shall be open to the public.

Public notice shall be given of all meetings of the Commission.

G. A majority of the Commissioners from each state **that has enacted the Compact** shall constitute, in the aggregate, a quorum for the transaction of business. No action of the Commission shall be binding unless taken at a meeting at which at least a quorum is present, and unless a majority of the Commissioners from each state, present at the meeting, shall vote in favor thereof. No action of the Commission taken at a meeting thereof shall be binding unless the subject of the action is included in a written agenda for the meeting, the agenda and notice of meeting having been provided to each Commissioner at least seven calendar days prior to the meeting.

H. The Commissioners from each state shall each be subject to the provisions of the laws of either the State of Kansas or the State of Missouri (depending upon the Commissioner's state of residence) relating to conflicts of interest of public officers and employees. If any Commissioner has a direct or indirect financial interest in any facility, service provider, organization or activity supported by the District or Commission or in any other business transaction of the District or Commission, the Commissioner shall disclose that interest in writing to the other Commissioners and shall abstain from voting on any matter in relation to that facility, organization or activity or to that business transaction.

I. If any action at law or equity, or other legal proceeding, shall be brought against any Commissioner for any act or omission arising out of the performance of their duties as a Commissioner, the Commissioner shall be indemnified in whole and held harmless by the Commission for any judgment or decree entered against the Commissioner and, further, shall be defended at the cost and expense of the Commission in any resulting proceeding.

J. Each member of the Commission shall serve as a member of the Commission without compensation for that service, except for payment of their actual and reasonably necessary expenses, as provided by Article VIII, Section A, 1.

VI. POWERS AND DUTIES OF THE COMMISSION

A. The Commission, formally the governing body of the District, shall primarily function as the planning and administrative arm for the District. The Commission shall: undertake community planning to identify regional programs and initiatives that will produce significant benefit to the Kansas City metropolitan area; fully develop the specifics regarding existing regional programs and initiatives and those newly identified regional programs and initiatives; prepare a Program Plan for regional programs and initiatives in consultation with local officials and the public; prepare ballot questions for programs and initiatives that the Commission determines could appropriately be supported by the sales tax authorized by this Compact; and assist an appointed Oversight Committee when requested by the Oversight Committee in the implementation of any Regional Program approved by District qualified electors in accordance with the terms of this Compact.

B. The Commission shall adopt a seal and suitable bylaws governing its management, procedure and effective operation.

C. The Commission shall develop a Program Plan for a Regional Program that it determines could appropriately be supported by the sales tax authorized by the Compact, which Program Plan shall generally describe the Regional Program and provide for the appropriation and use of moneys in support of that Regional Program only for the Eligible Uses set forth in Article VIII of this Compact. A Program Plan shall also designate:

1. the counties or county in which a majority of the qualified electors voting on the ballot question must cast an affirmative vote before the sales tax may be imposed by any individual county for uses in accordance with the Program Plan;

2. the duration of the sales tax imposed in support of the Regional Program, which may be described in terms of the number of years the tax shall be imposed, a maximum number of dollars that may be raised by the

sales tax imposed or any other reasonable means of establishing the duration of the sales tax; provided that the sales tax shall not extend beyond the fifteen (15) years following the date of the first receipt by the county treasurer of revenue from the sales tax imposed to support the Regional Program unless renewed by the qualified electors of that county prior to its expiration; and

3. the composition of the Oversight Committee to be appointed by the Commission for that Regional Program, which composition shall be consistent with Article IX, Section A of this Compact.

D. The Commission, subject to the requirements of Article VII, Section C, shall set the date or dates by which the election shall be held pursuant to this Compact and shall recommend those counties or county which shall hold a vote on the ballot question prepared by the Commission for that Regional Program.

E. For each election to be held pursuant to this Compact, the Commission shall prepare and submit a ballot question to the governing body of each county within the District. Each such question shall be in the form set forth in Article VII, Section D of this Compact.

F. The Commission may prepare additional ballot language generally describing a Regional Program and the use and allocation of the sales tax proposed to be imposed for the support of a Regional Program, and shall submit that additional language to each county within the District. If additional ballot language is so submitted by the Commission, and a county governing body decides to place the ballot question before the qualified electors of that county, the additional ballot language shall be placed on the subject ballot by that governing body.

G. When a majority of the qualified electors in the county or counties designated in the Program Plan for that Regional Program as one of those counties that must cast an affirmative vote on the ballot question before the sales tax may be imposed, have cast an affirmative vote, the Commission shall, in accordance with Article IX, Section A of this Compact, appoint an

Oversight Committee for that Program Plan.

H. The Commission shall have the power to contract and to be contracted with and to sue and to be sued.

I. The Commission, when it deems it necessary and when requested to do so by an Oversight Committee, shall interpret and/or provide guidance and further details on a Program Plan to assist in the oversight of the appropriation and use of moneys by the Oversight Committee for that Program Plan.

J. In accordance with written guidelines adopted by the Commission, which guidelines shall be consistent with the Program Plans required by Article VI, Section C, the Commission may receive or provide donations, contributions, and grants or other support, financial or otherwise, from public or private entities, for Program Plans and the Eligible Uses set forth in Article VIII of this Compact.

K. The Commission shall execute those contracts and agreements as an Oversight Committee shall direct to implement the Program Plan developed for an approved Regional Program, provided that, the Commission determines each contract is consistent with the Program Plan.

L. The Commission may appoint advisory committees to provide input, consultation, guidance and assistance to the Commission on matters and issues related to any purposes for which the District and the Commission are hereby created.

M. The Commission may form whatever partnerships, associations, joint ventures or other affiliations, formal or otherwise, as it deems appropriate and that are in furtherance of the purposes for which the District and the Commission are created.

N. The Commission may utilize assistance from any governmental or non-governmental entity, as it shall determine appropriate, in the form of personnel, technical expertise or other resources, to further the policies, purposes and goals of the District, as stated in Article II of this Compact.

O. The Commission shall cause to be prepared

annually a report on the operations and transactions conducted by the Commission during the preceding year. The report shall be an open record submitted to the legislatures and governors of the compacting states and to the governing bodies of the jurisdictions that are then a party to MARC's Articles of Agreement and of Buchanan County, Missouri, on or before March 15th of each calendar year, commencing on March 15th of the year following the year in which the certification described in Article IV, Section B hereof occurs. The Commission shall take those actions as are reasonably required to make this report readily available to the public.

P. The Commission shall have the power to apply to the Congress of the United States for its consent and approval of this Compact, if it is determined by the Commission that this consent is appropriate. In the absence of the consent of the Congress and until consent is secured, if that consent is determined appropriate, this Compact is binding upon [the states of Missouri and Kansas] **any state that has enacted it** in all respects permitted by **that state's** law [of the two states].

Q. The Commission shall have the power to perform all other necessary and incidental functions and duties and to exercise all other necessary and appropriate powers, not inconsistent with other provisions of this Compact or the constitution or laws of the United States or of [either of] the **state or** states [of Kansas or Missouri] **in which its members are located**, that it deems appropriate to effectuate the purposes for which this District and the Commission are created.

VII. BALLOT QUESTIONS

A. The Commission, as required by Article VI, Section C, shall develop Program Plans for Regional Programs to be submitted to the qualified electors within the District. 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 of a ballot question to the electors in the District.

B. The governing body of each county in the District shall determine whether the provision of financial support for a Regional Program is in the best interests of the citizens of the county and whether the levy of a sales tax to provide, on a cooperative basis with another county or other counties, for financial support of the Regional Program would be economically practicable and cost beneficial to the citizens of the county and the District. Each governing body that makes an affirmative determination with respect hereto shall adopt a resolution evidencing that determination and authorizing a vote of its citizens on the ballot question for the Regional Program, by a two-thirds (2/3) majority vote of the members elect of the governing body.

C. Upon adoption of a resolution pursuant to Section B of this Article, the governing body of that county, promptly after adoption of the resolution, shall request the county election commissioner to submit the ballot question for that Regional Program to the qualified electors of that county. Each such ballot question shall be printed on the ballot and in the notice of election. Each ballot question shall be submitted to the qualified electors of that county at the primary or general election next following the date the request was filed with the county election officer.

D. The ballot for the proposition in each county shall be in substantially the following form:

Shall a sales tax (insert amount, not to exceed one-half cent) be levied and collected in County for the support of a Regional Program that will produce significant benefit within the [Kansas and Missouri] Regional Investment District, 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?

YES NO

E. The governing body of each of the counties that requested their county election commissioner submit the ballot question to its qualified electors also shall provide their respective county election officers with

copies of any additional language prepared by the Commission, pursuant to Article VI, Section F, which additional language shall be included by each such county on the ballot.

F. The question of whether a sales tax for the support of a Regional Program involving a Public Transit System shall be imposed shall be submitted to qualified electors at the first election to be held on Regional Programs, pursuant to this Compact.

G. The governing body of any county in the District that does not pass the resolution contemplated by Section B of this Article in time to cause the placement of the ballot question before the qualified electors of that county at the first election or any subsequent election to be held on Regional Programs, pursuant to this Compact, may adopt that resolution at any time thereafter, and that ballot question shall be provided to the election commissioner of that county and submitted to the qualified electors of the county at the next primary or general election, in accordance with Section C of this Article.

H. In each county where a majority of the qualified electors voting in an election shall have cast an affirmative vote on a ballot question, that ballot question shall be approved.

I. If a ballot question is submitted to the qualified electors of a county in the District, and the ballot question is not approved in that county, following defeat of the ballot question, the governing body of that county or counties may renew procedures to levy the sales tax in support of that Regional Program. A defeat of a ballot question in any county shall not affect the approval of that ballot question in any other county, which approval shall continue to have effect.

J. No county in the District shall levy a sales tax specified herein until the qualified electors in all the counties designated by the Commission in the Program Plan for the subject Regional Program, as those that must approve the sales tax, have approved the levy of the sales tax to support the Program Plan for that Regional Program.

K. [With respect to the first election to be held on

Regional Programs pursuant to this Compact, no sales tax shall be levied by any county which has adopted the resolution contemplated by Section B and has submitted the ballot question to the qualified voters of that county pursuant to Section C of this Article, unless and until a majority of the qualified electors of at least Johnson and Wyandotte Counties, Kansas, and Jackson County, Missouri, has approved the levy of a sales tax for the Regional Program involving a Public Transit System.

L.] When, but only when, the electors in all of the counties designated by the Commission in the Program Plan for the Regional Program, as those that must approve the sales tax, have approved that ballot question, the governing body of each county that has approved that ballot question, at the first available opportunity, shall take all required actions to begin levying this tax.

[M.] L. Any of the counties that have elected by a vote of its electors to levy a sales tax authorized by this Compact may cease to levy this sales tax upon the majority vote of the qualified electors of the county on a ballot question submitted to qualified electors asking if that county should cease to levy this sales tax. This vote shall take place in the same manner provided in this section for levying this sales tax; provided that, no vote to cease to levy this sales tax shall take place in any county on a date earlier than a date that is five years from the date that county approved this sales tax. Provided further, in no event shall any county cease to levy this sales tax until that county has entered into a written agreement with the Commission, which agreement shall provide for the terms of cessation, and shall specifically provide: (1) a means to ensure that the county pays a fair share of the outstanding obligations incurred by the District in furtherance of its established purposes; and (2) for the ongoing operations and maintenance or the termination of any facilities or services established in the county with support provided by the Commission. The governing body of a county that has decided by this vote to cease to levy this sales tax shall send formal written notice thereof to each of the other counties comprising the District. In no event, shall the county cease to levy the sales tax earlier than

ninety days after this notice has been sent. If any county in the District decides to cease levying the sales tax, the status of the District as a political subdivision of the states of Kansas and Missouri shall be unaltered and that county shall continue to have the representation on the Commission, as set forth in Article V of this Compact.

VIII. ELIGIBLE USES OF FUNDS

A. The Commission shall only budget and authorize the appropriation of monies for the following eligible purposes:

1. the actual and reasonably necessary expenses of the Commission and Oversight Committee, including, but not limited to, staff personnel, auditors, budget and financial consultation, legal assistance, administrative, operational, planning and engineering consultation and marketing, as well as for the actual and reasonably necessary expenses of individual Commission and Committee members that are incurred in the performance of their official duties; provided that, the Commission, in each fiscal year, shall not appropriate, for this purpose, any monies in excess of an amount that is equal to one percent of the funds appropriated to the Commission in that fiscal year by all of the counties imposing this sales tax; and

2. the support of voter approved Regional Programs within the District;

3. only pursuant to a contract with bodies corporate and politic, political subdivisions of the states of Missouri or Kansas and/or local units of government in the states of Missouri or Kansas, provided, however, the Commission may, in its discretion, require that entities contracted with shall procure a set percentage of Public Transit System services from third party contractors on a competitive basis; and

4. only in support of a Regional Program in counties that have voted affirmatively to impose a sales tax in support of that Regional Program.

B. The aggregate amount of sales taxes imposed by any county within the District, pursuant to the authority granted in this Compact, shall not exceed one-half cent.

IX. THE OVERSIGHT COMMITTEE

A. An Oversight Committee shall be appointed by the Commission for a Regional Program, as provided for in Article VI, Section G hereof. An Oversight Committee shall be composed of elected officials of jurisdictions that are within a county where a majority of the qualified electors voting on the ballot question have cast an affirmative vote on the imposition of a sales tax to support the subject Regional Program. An Oversight Committee shall be composed of the elected officials designated in the Program Plan for the Regional Program. An Oversight Committee shall include a minimum of one elected representative from each county that approves that ballot question and elected representatives from both cities and counties and each representative shall be approved by the chief elected official of the county or city from which they are elected. If the Program Plan describes a Regional Program that serves both Missouri and Kansas, the Oversight Committee shall be composed of an equal number of elected representatives from each state. In such instances, no action of the Commission shall be binding unless taken at a meeting at which at least a quorum is present, and unless a majority of the Commissioners from each state, present at the meeting, shall vote in favor thereof. The number of individuals comprising the Oversight Committee shall be in the sole discretion of the Commission.

B. An Oversight Committee shall be appointed within forty-five days of certification that the ballot question has been approved by the last of the counties designated by the Commission in the Program Plan for the Regional Plan, pursuant to Article VI, Section C, 1 hereof, to so certify and shall begin functioning immediately upon its appointment by the Commission. If, pursuant to Article VII, Section K, additional counties within the District shall approve the ballot question, the Commission shall appoint a minimum of one additional representative from each such county to the Oversight Committee.

C. An appointed Oversight Committee shall fix the time and place at which its meetings shall be held. Meetings shall be held at a location in a county that has

approved the imposition of the sales tax to support the Program Plan for the subject Regional Program and shall be open to the public. Public notice shall be given of all meetings of the Committee.

D. The Committee members shall each be subject to the provisions of the laws of either the State of Kansas or the State of Missouri (depending upon the Committee member's state of residence) that relate to conflicts of interest of public officers and employees. If any Committee member has a direct or indirect financial interest in any facility, service provider, organization or activity supported by the District or Commission or in any other business transaction of the District or Commission, the Committee member shall disclose that interest in writing to the members of the Commission and to the other members of the Committee and shall abstain from voting on any matter in relation to that facility, organization or activity or to that business transaction with respect to which that Committee member has the interest.

E. If any action at law or equity, or other legal proceeding, shall be brought against any Committee member for any act or omission arising out of the performance of duties as a Committee member, the Committee member shall be indemnified in whole and held harmless by the Commission for any judgment or decree entered against the Committee member and, further, shall be defended at the cost and expense of the Commission in any resulting proceeding.

F. The Oversight Committee for a Regional Program shall terminate on the date when all of the moneys derived from the sales tax imposed by any or all counties in the District to support the Program Plan for that Regional Program and which have been credited to the Regional Investment Fund have been expended.

X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

A. The Oversight Committee for an approved Regional Program is charged with the oversight of the appropriation and use of moneys generated from the sales taxes and credited to the Regional Investment

Fund. These moneys shall be appropriated only for the Eligible Uses set forth in Article VIII of this Compact.

B. An Oversight Committee shall only provide support for and allocate and appropriate monies for programs, services and facilities that are consistent with the voter approved Program Plan developed by the Commission and only for programs, services and facilities in counties that have approved the imposition of a sales tax in support of the Regional Program. If the Committee is uncertain or has any question about whether a specific appropriation of moneys or support activity is consistent with the Program Plan developed by the Commission, it shall seek a determination on that question from the Commission.

C. An Oversight Committee, as appropriate, shall direct that the Commission execute those contracts and agreements necessary or desirable to implement the Program Plan developed by the Commission.

D. An Oversight Committee shall adopt suitable bylaws governing its management, procedure and its effective operations.

E. An Oversight Committee shall provide the information that the Commission shall require to allow the Commission to prepare annually a report on the operations and transactions conducted by the Commission during the preceding year relating to the approved Regional Programs. This information shall include an annual financial statement prepared in accordance with General Accepted Accounting Principles (GAAP). The Oversight Committee for a Public Transit Service Regional Program shall also provide a report on operational statistics, including statistics on the ridership of the Public Transit System funded with sales tax revenues resulting from the authority granted by this Compact, comparing ridership in the then current fiscal year to ridership in the three fiscal years next preceding.

XI. FINANCE

A. The moneys necessary to finance the operation of the District, implement the voter approved Program Plans and execute the powers, duties and responsibilities of the Commission shall be

appropriated to the Commission by the counties comprising the District, which, in accordance with Article VII, Section J of the Compact, have approved the ballot question for the subject Regional Program. The moneys to be appropriated to 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 levy of taxes, fees, charges or any other revenue, as authorized by those counties or cities in those counties or by the legislatures of the respective party states, provided nothing herein shall require either state to make appropriations for any purpose.

B. Neither the Commission nor any Oversight Committee shall incur any indebtedness of any kind; nor shall they pledge the credit of MARC or any jurisdiction that is party to MARC's Articles of Agreement or either of the states party to this Compact, except as specifically authorized by this Compact. The budget of the District shall be prepared, adopted and published, as provided by law, for other political subdivisions of the party states.

C. The Commission and an Oversight Committee shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

D. The accounts of the Commission shall be open at any reasonable time for inspection by duly authorized representatives of [the compacting states] **a state that has enacted this Compact**, the counties comprising the District, and other persons authorized by the Commission.

XII. ENTRY INTO FORCE

A. This Compact shall enter into force and become effective and binding upon the states of Kansas and Missouri when it has been entered into law by the legislatures of the respective states.

B. Amendments to the Compact shall become effective upon enactment by the legislatures of the respective states.

XIII. TERMINATION

A. The Compact shall continue in force and remain binding upon a party state until its legislature shall have enacted a statute repealing the same and providing for the sending of formal written notice of enactment of that statute to the legislature of the other party state. Upon enactment of that statute by the legislature of either party state, the sending of notice thereof to the other party and payment of any obligations that the Commission may have incurred prior to the effective date of that statute, the agreement of the party states embodied in the Compact shall be deemed fully executed, the Compact shall be null and void and of no further force or effect, the District shall be dissolved, and the Commission shall be abolished. If any monies remain in the Regional Investment Fund upon dissolution of this Compact, the Commission may distribute these monies to an entity or organization selected by the Commission to be used to support purposes for which the District is hereby created, as stated in Article II of this Compact.

XIV. CONSTRUCTION AND SEVERABILITY

A. The provisions of this Compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitutions of either [of the party states] **a state that has enacted this Compact** or of the United States or **if** the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of either party state hereto, the Compact shall thereby be nullified and voided and of no further force or effect.

70.545. If the state of Kansas has not [authorized the compact as outlined in section 70.515] **enacted the Compact** by [July 1] **August 28, 2007, then the district described in section 70.515 shall nonetheless be created, and the district**, any Missouri county in the district [and], the [district,] Commission, and an oversight committee shall have all the powers and

duties and may operate as set forth in sections 70.515 to 70.545, **provided that:**

1. The Regional Investment District created in section 70.515 shall be known as the “Missouri Regional Investment District”, shall be a political subdivision solely of the state of Missouri, and shall consist only of those Missouri counties that are within the Mid-America Regional Planning Area and Buchanan County. All references to a “Regional Investment District” or “District” in section 70.515 shall be deemed to refer exclusively to the “Missouri Regional Investment District”.

2. Article XII of the Compact shall be inapplicable.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed.

Senator Justus offered **SA 11:**

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 153, Section 650.340, Line 25 of said page, by inserting immediately after said line the following:

“Section 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in the following described real property owned by the state in Jackson County to the city of Kansas City:

Parcel # 12-840-27-08-00-0-00-000

**JOHNSON'S SUB OF O T LANDS
BEG 460 W 185' S NE CE S SW 1/4
SE 1/4 TH SW 250' SE 220' NE 250'
NW 220' TO POB**

Parcel # 12-840-26-02-00-0-00-000

**EAST KANSAS
LOT 1 & N 10 FT OF LOT 2 BL K 53**

Parcel # 12-840-26-03-00-0-00-000

EAST KANSAS**ALL OF LOT 2 (EX N 10') & ALL OF
LOT 3 & N 10' OF LOT 4 BLK 53**

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

Section 3. The attorney general shall approve as to form the instrument of conveyance.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Coleman offered **SA 12:**

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 154, Section 105.971, Line 24 of said page, by inserting immediately after said line the following:

“[162.1100. 1. There is hereby established within each city not within a county a school district to be known as the “Transitional School District of (name of city)”, which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to “seven-director districts”, as defined in section 160.011, RSMo. The transitional school district shall have the

responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any tax approved for the transitional district shall be assigned to the governing body of the school district in a city not within a county after dissolution or termination of the transitional district.

(2) In the event that the state board of education shall declare the school district of a city not within a county to be unaccredited, the member of the governing board of the transitional district appointed by the governing body of the district as provided in subdivision (1) of this subsection shall, within ninety days, be replaced by a chief executive officer nominated by the state board of education and appointed by the governor with the advice and consent of the senate. The chief executive officer need not be a resident of the district but shall be a

person of recognized administrative ability, shall be paid in whole or in part with funds from the district, and shall have all other powers and duties of any other general superintendent of schools, including appointment of staff. The chief executive officer shall serve for a term of three years or until his successor is appointed or until the transitional district is dissolved or terminated. His salary shall be set by the state board of education.

3. In the event that the school district loses its accreditation, upon the appointment of a chief executive officer, any powers granted to any existing school board in a city not within a county on or before August 28, 1998, shall be vested with the special administrative board of the transitional school district containing such school district so long as the transitional school district exists, except as otherwise provided in section 162.621.

4. The special administrative board's powers and duties shall include:

(1) Creating an academic accountability plan, taking corrective action in underperforming schools, and seeking relief from state-mandated programs;

(2) Exploration of alternative forms of governance for the district;

(3) Authority to contract with nonprofit corporations to provide for the operation of schools;

(4) Oversight of facility planning, construction, improvement, repair, maintenance and rehabilitation;

(5) Authority to establish school site councils to facilitate site-based school management and to improve the

responsiveness of the schools to the needs of the local geographic attendance region of the school;

(6) Authority to submit a proposal to district voters pursuant to section 162.666 regarding establishment of neighborhood schools.

5. (1) The provisions of a final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize or require the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax equivalent amount as determined by the department of elementary and secondary education which may be substituted for all or part of such property tax.

(2) Any other statute to the contrary notwithstanding, no tax authorized pursuant to this subsection shall:

(a) Be subject to any certificate of tax abatement issued after August 28, 1998, pursuant to sections 99.700 to 99.715, RSMo; and

(b) Effective January 1, 2002, be subject to any new or existing tax increment financing adopted by a city not within a county pursuant to sections 99.800 to 99.865, RSMo, except that any redevelopment plan and redevelopment project concerning a convention headquarters hotel adopted by ordinance by a city not within a county prior to

August 28, 2003, shall be subject to such tax increment financing.

(3) The transitional school district shall not be subject to the provisions of section 162.081, sections 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate. No operating levy or increase in the operating levy or sales tax established pursuant to this section shall be collected for a transitional school district unless prior approval is obtained from a simple majority of the district's voters. The board of the transitional district shall place the matter before the voters prior to March 15, 1999.

6. (1) The special administrative board established in this section shall develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the state board of education. The plan shall ensure that all students meet or exceed grade-level standards established by the state board of education pursuant to section 160.514, RSMo;

(2) The special administrative board shall establish student performance standards consistent with the standards established by the state board of education pursuant to section 160.514, RSMo, for preschool through grade twelve in all skill and subject areas, subject to review and approval of the state board of education for the purpose of determining whether the standards are consistent with standards established by the state board of education pursuant to section 160.514, RSMo;

(3) All students in the district who do not achieve grade-level standards shall be required to attend summer school; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(4) No student shall be promoted to a higher grade level unless that student has a reading ability at or above one grade level below the student's grade level; except that the provisions of this subsection shall not apply to students receiving special education services pursuant to sections 162.670 to 162.999;

(5) The special administrative board established in this section shall develop, implement and annually update a professional development plan for teachers and other support staff, subject to review and approval of the state board of education.

7. The school improvement plan established pursuant to this section shall ensure open enrollment and program access to all students in the district, and, consistent with the Missouri and United States Constitutions, shall give first priority to residents of the city for admission to magnet schools. The school board shall take all practicable and constitutionally permissible steps to ensure that all magnet schools operate at full capacity. Students who change residence within the district shall be allowed to continue to attend the school in which they were initially enrolled for the remainder of their education at grade levels served by that school, and transportation shall be provided by the district to allow such students to continue to attend such school of initial enrollment.

8. To the extent practicable, the special administrative board shall ensure that per pupil expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given grade level.

9. The special administrative board shall ensure that early childhood education is available throughout the district.

10. The special administrative board shall ensure that vocational education instruction is provided within the district.

11. The special administrative board shall establish an accountability officer whose duty shall be to ensure that academically deficient schools within the district are raised to acceptable condition within two years.

12. The transitional school district in any city not within a county shall be dissolved on July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional school district and the termination or

reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section.]; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 12** is out of order as it is not germane to the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Coleman offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 94, Section 92.500, Line 18 of said page, by inserting after all of said line the following:

“94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation

by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county's or city's name) impose a county/city-wide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

- YES
- NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. The provisions of subsection 4 of this section requiring both the city and county to approve a transportation sales tax before a transportation sales tax may go into effect in either jurisdiction shall not apply to any

transportation sales tax submitted to and approved by the voters in such city or such county on or after August 28, 2007.

[5.] 6. All sales taxes collected by the director of revenue under this section on behalf of any city or county, 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, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo. 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 director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the records shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

[6.] 7. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

[7.] 8. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or

counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention 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 or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 153, Section 650.340, Line 25, by inserting after all of said line the following:

“Section 1. 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 number shall be the county in the district with the highest dollar value modifier.”; and

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

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Shoemyer offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 143, Section 321.800, Line 16, by inserting after all of said line the following:

“393.715. 1. The general powers of a commission to the extent provided in section 393.710 to be exercised for the benefit of its contracting members shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities or acquire any interest in or any rights to capacity of a project, within or outside the state, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy; provided, however, the commission shall not have the power or authority to erect, own, use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the public service commission finds that it is not feasible to utilize the transmission line which is in place;

(3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water and to own and hold such real and personal property as

may be necessary to carry out the purposes of its organization; provided, however, that a commission shall not sell or distribute water, at retail or wholesale, within the certificated area of a water corporation which is subject to the jurisdiction of the public service commission unless the sale or distribution of water is within the boundaries of a public water supply district or municipality which is a contracting municipality in the commission and the commission has obtained the approval of the public service commission prior to commencing such said sale or distribution of water;

(4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells, pumping stations, sewage treatment plants and other facilities for the treatment and transportation of sewage and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization;

(5) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(7) Employ agents and employees;

(8) Contract with any person, within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors or executive committee shall determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat or electric power and energy, or any by-product

resulting therefrom, within and outside the state, in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms and for such period of time as its board of directors or executive committee shall determine. A commission may not sell or distribute water, gas, heat or power and energy, or sell sewage service at retail to ultimate customers outside the boundary limits of its contracting municipalities except pursuant to subsection 2 or 3 of this section;

(10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(11) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(13) Sue and be sued in its own name;

(14) Have and use a corporate seal;

(15) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission. **The powers enumerated in this subdivision shall constitute the power to tax for purposes of article 10, section 15 of the Missouri Constitution;**

(16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(17) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(18) Join organizations, membership in which is deemed by the board of directors or its executive committee to be beneficial to accomplishment of the commission's purposes;

(19) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(20) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

2. When a municipality purchases a privately owned water utility and a commission is created pursuant to sections 393.700 to 393.770, the commission may continue to serve those locations previously receiving water from the private utility even though the location receives such service outside the geographical area of the municipalities forming the commission. New water service may be provided in such areas if the site to receive such service is located within one-fourth of a mile from a site serviced by the privately owned water utility.

3. When a commission created by any of the contracting entities listed in subdivision (4) of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer corporation or other nonprofit agency or entity organized to provide water or sewer service, the commission may continue to serve, as well as provide new service to, those locations and areas previously receiving water or sewer service from such nonprofit entity, regardless of whether or not such location receives such service outside the geographical service area of the contracting entities forming such commission; provided that

such locations and areas previously receiving water and sewer service from such nonprofit entity are not located within:

(1) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;

(2) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or

(3) The certificated area of a water or sewer corporation that is subject to the jurisdiction of the public service commission.

393.720. Any commission established by joint contract under sections 393.700 to 393.770 shall constitute a body public and corporate of the state, exercising public powers for the benefit of its contracting members and in order to carry out the public purposes and the public functions of its contracting members. It shall have the duties, privileges, immunities, rights, liabilities and disabilities of its contracting members and as a public body politic and corporate, **including the power to tax**, but shall not have **any additional** taxing power separate from that of its members nor shall it have the benefit of the doctrine of sovereign immunity.

393.740. 1. All bonds issued pursuant to sections 393.700 to 393.770 and all income or interest thereon shall be exempt from all state taxes, except estate and transfer taxes.

2. All property, real and tangible personal, except for properties acquired exclusively for water supply districts **and water supply commissions**, acquired by the bonds issued pursuant to sections 393.700 and 393.770 or otherwise acquired by a commission shall be subject to taxation for state, county, and municipal and other local purposes only to the same extent as if such property was owned directly by each contracting or participating municipality in such proportion or manner as specified by contract among all contracting or participating

municipalities party to a project or if not specified in proportion to the percentage of each municipality's interest or participation in the facility or property.”; and

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

Senator Shoemyer moved that the above amendment be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

Senator Shoemyer offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 132, Section 260.831, Line 7, by inserting after all of said line the following:

“320.097. 1. As used in this section, “fire department” means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.

2. No fire department shall, as a condition of employment, require any employee to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. No charter school shall be deemed a public school for purposes of this section.

3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed and legally

recorded geographical area of the fire department if such school district subsequently becomes fully accredited.”; and

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

Senator Shoemyer moved that the above amendment be adopted.

Senator Smith raised the point of order that **SA 16** is out of order as it is not germane to the underlying bill.

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

SA 16 was again taken up.

At the request of Senator Shoemyer, the above amendment was withdrawn.

Senator Graham offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 64, Section 67.2500, Line 10 of said page, by striking “or” at the end of said line; and further amend line 13 of said page, by inserting after “inhabitants” the following: “; or

(6) 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”; and

Further amend said bill, Page 74, Section 67.2510, Line 14 of said page, by striking “or” at the end of said line; and further amend line 17 of said page, by inserting after “inhabitants” the following: “; or

(6) 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”.

Senator Graham moved that the above

amendment be adopted, which motion prevailed.

Senator Bray offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Pages 84-86, Section 79.050, by striking all of said section and inserting in lieu thereof the following:

“79.050. 1. The following officers shall be elected by the qualified voters of the city, and shall hold office for the term of two years, except as otherwise provided in this section, and until their successors are elected and qualified, to wit: mayor and board of aldermen. The board of aldermen may provide by ordinance, after the approval of a majority of the voters voting at an election at which the issue is submitted, for the appointment of a collector and for the appointment of a chief of police, who shall perform all duties required of the marshal by law, and any other police officers found by the board of aldermen to be necessary for the good government of the city. The marshal or chief of police shall be twenty-one years of age or older. If the board of aldermen does not provide for the appointment of a chief of police and collector as provided by this section, a city marshal, who shall be twenty-one years of age or older, and collector shall be elected, and the board of aldermen may provide by ordinance that the same person may be elected marshal and collector, at the same election, and hold both offices and the board of aldermen may provide by ordinance for the election of city assessor, city attorney, city clerk and street commissioner, who shall hold their respective offices for a term of two years and until their successors shall be elected or appointed and qualified, except that the term of the city marshal shall be four years.

2. The board of aldermen may provide by ordinance that the term of [mayor and of] the collector shall be four years **and the term of the mayor shall be three or four years**. Any person elected as [mayor or] collector after the passage of

such an ordinance shall serve for a term of four years and until his successor is elected and qualified. **Any person elected as mayor after the passage of such ordinance shall serve for a term of three or four years, as provided, and until his successor is elected and qualified.**

3. The board of aldermen may provide by ordinance that the term of the board of aldermen shall be four years. Such ordinance shall be submitted by the board to the voters of the city and shall take effect only upon the approval of a majority of the voters voting at an election at which the issue is submitted. Any person elected to the board of aldermen after the passage of such an ordinance shall serve for a term of four years and until his successor is elected and qualified.”.

Senator Bray moved that the above amendment be adopted.

Senator Loudon offered **SA 1 to SA 18**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 2, Section 79.050, Line 23, by inserting all of said line the following:

“4. Notwithstanding any other provision of this section to the contrary, in any city with a population of not less than twenty thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants, the term of mayor shall be four years. Any person elected shall serve a term of four years and until his or her successor is elected and qualified.”.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

SA 18, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 19**, which was read:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 140, Section 321.333, Lines 21-27, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 125, Section 235.210, Line 23 of said page, by inserting immediately after said line the following:

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

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

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

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

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

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

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

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

(2) “Qualified electors”, “qualified voters” or “voters”, [if] **within the proposed or established district**, any persons [eligible to be registered voters reside within the proposed district, such persons] **residing therein** who have registered to vote pursuant to chapter 115, RSMo, [or if no persons eligible to be registered voters reside within the proposed district,] **and** the owners of real property [located within the proposed district], **who shall receive one vote per acre, provided that any registered voter who also owns property must elect whether to vote as an owner or a registered voter;**

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

238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

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

(4) A general description of each project proposed to be undertaken by that district,

including a description of the approximate location of each project;

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

(6) The name of the proposed district;

[(6)] (7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

[(7)] (8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

[(8)] (9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

[(9)] (10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters [residing] within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

[(10)] (11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

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

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

(f) The name of the proposed district;

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

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that

the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

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

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

238.225. **1.** Before construction or funding of any project, the district shall submit the proposed project, [together with the proposed plans and specifications,] to the commission for its prior approval [of the project]. If the commission by minute finds that the project will improve or is a

necessary or desirable extension of the state highways and transportation system, the commission may **preliminarily** approve the project subject to the district **providing plans and specifications for the proposed project and** making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. **After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission's preliminary approval.** After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval.

3. In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project. Approval of the project shall then vest exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

238.275. 1. Within six months after

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

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

Shall the.....Transportation Development District be abolished?

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

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

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

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

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

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

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

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 152, Section 479.011, Line 13, by inserting after all of said line the following:

“537.610. 1. The commissioner of administration, through the purchasing division, and the governing body of each political subdivision of this state, notwithstanding any other provision of law, may purchase liability insurance for tort claims, made against the state or the political subdivision, but the maximum amount of such coverage shall not exceed two million dollars for all claims arising out of a single occurrence and shall not exceed three hundred thousand dollars for

any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo, and no amount in excess of the above limits shall be awarded or settled upon. Sovereign immunity for the state of Missouri and its political subdivisions is waived only to the maximum amount of and only for the purposes covered by such policy of insurance purchased pursuant to the provisions of this section and in such amount and for such purposes provided in any self-insurance plan duly adopted by the governing body of any political subdivision of the state.

2. The liability of the state and its public entities on claims within the scope of sections 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single accident or occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo.

3. The liability of the state or its public entities and any officer or employee of the state or its public entities arising out of the operation of a motor vehicle being operated within the course and scope of their office, employment, or agency with the state or its public entities shall not exceed two million dollars for all claims against all such entities or individuals arising out of a single accident or occurrence, and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo. When a claim against the state or one of its public entities arises out of the operation of a motor vehicle as described in subdivision (1) of subsection 1 of section 537.600, and a claim is also brought against an officer or employee of the state or its public entities arising out of the same accident or occurrence, the maximum allowable recovery against the state, one of its

public entities, or any officer or employee of the state or its public entities shall be reduced by any amount paid towards the claim by the state, its public entities, officers, or employees of the same, or anyone acting on their behalf.

4. The liability of the state or its public entities and any officer or employee of the state or its political entities arising out of any dangerous condition of property which the officer or employee allegedly caused or contributed to cause shall not exceed two million dollars for all claims against all such entities or individuals arising out of the single accident or occurrence, and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo. When a claim against the state or its public entities arises out of a dangerous condition of property as described in subdivision (2) of subsection 1 of section 537.600, and the claim is also brought against an officer or employee of the state or its public entities for causing or contributing to cause the dangerous condition, then the maximum allowable recovery against the state or its public entities or any officer or employee who allegedly caused or contributed to cause the dangerous condition shall be reduced by any amount paid toward the claim made by the state, its public entities, any officer, or employee of the state or its public entities, or anyone acting on their behalf.

5. The liability of the state or its public entities for operation of a motor vehicle is vicarious to the liability of the operator of a motor vehicle that is operated as described by subsection 3 of this section. Notwithstanding the provisions of section 537.600, should the operator of the motor vehicle owned or operated on behalf of the state or its public entities be found to be immune from liability for operation of a motor vehicle because of official

immunity or otherwise, the state or its public entities shall also have no liability arising from the operation of the motor vehicle.

6. No award for damages on any claim against a public entity within the scope of sections 537.600 to 537.650, shall include punitive or exemplary damages.

[4.] 7. If the amount awarded to or settled upon multiple claimants exceeds two million dollars, any party may apply to any circuit court to apportion to each claimant his proper share of the total amount limited by subsection 1 of this section. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the accident or occurrence, but the share shall not exceed three hundred thousand dollars.

[5.] 8. The limitation on awards for liability provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[6.] 9. Any claim filed against any public entity under this section shall be subject to the penalties provided by supreme court rule 55.03.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Coleman raised the point of order that SA 21 is out of order as it goes beyond the scope

of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Scott, SA 21 was withdrawn rendering the point of order moot.

Senator Bartle offered SA 22:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 132, Section 260.831, Line 7, by inserting immediately after said line the following:

“319.400. 1. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and in areas where residential properties, schools, or churches are located, the maximum vibration at the property line of such properties shall be 0.20 inches per second or five millimeters per second peak particle velocity. To maintain a reasonable degree of compliance that all vibrations will be below this value, a minimum set back from property lines of one thousand feet shall be maintained so that unknown variables do not significantly alter the vibration level at the property line at areas not monitored. For aboveground blasting, a maximum of one hundred fifteen decibels linear peak air blast shall be allowed.

2. Monitoring of vibration levels and air blast, including control of seismograph and positioning of such, shall be conducted by an independent seismologist, and the cost of the monitoring shall be paid by the company or entity conducting the blasting. The number of seismographs shall be determined by the seismologist but shall not be fewer than one per one thousand feet of the applicable property line. Weekly reports with no more than a weeks delay of the blast levels shall be given to local government and any neighborhood organizations that have been created to deal

with the blasting issue. Any neighborhood organization shall have significant input into the selection of the independent seismologist.

3. For violations of this section, single fines shall be imposed. As used in this section, “single fine” means the gross value of half of a single day blast production based on the average production within the past thirty days. Within a one-hundred-twenty-day period, fines for violating this section shall be as follows:

(1) A first violation for vibrations between 0.20 inches per second to 0.30 inches per second shall result in a single fine. A violation for vibrations of 0.30 inches per second to 0.40 inches per second shall result in a double single fine. A violation for vibrations above 0.40 inches per second shall result in a four times single fine and a suspension of blasting for one hundred twenty days.

(2) A second violation for vibrations between 0.20 inches per second to 0.30 inches per second shall result in a double single fine. A second violation for vibrations of 0.30 inches per second to 0.40 inches per second shall result in a four times single fine and a suspension of blasting for one hundred twenty days.

(3) A third violation shall result in a four times single fine and a suspension of blasting for one hundred twenty days.

4. A portion of the fines, as determined by local government, shall go to local school districts or neighborhood organizations to provide public benefits, including but not limited to scholarships and community improvements.

5. The provisions of this section shall become effective on August 28, 2008. Any payments to entities prior to such date shall remain in effect and are not refundable.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 86, Section 79.050, Line 6, by inserting immediately following all of said line the following:

“84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board. No officer, agent, or employee of the police department of such cities shall permit any such solicitation in any building or room occupied for the discharge of the official duties of the said department. No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2.] No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. [No officer or employee of such department shall be a

member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or employee solicit any person to vote for or against any candidate for public office, or “poll precincts” or be connected with other political work of similar character on behalf of any political organization, party, or candidate.] All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

[3.] 2. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

[4.] 3. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

[5.] 4. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

[6.] 5. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

[7.] 6. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person

with respect to employment in the police departments of such cities.

[8.] 7. Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 120, Section 137.040, Line 3, 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, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, 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.

163.038. Notwithstanding any provision of law to the contrary, any school district that is located at least partially in any county that creates a county municipal court or is otherwise eligible to prosecute county ordinance violations under section 66.010, RSMo, et seq., after January 1, 2006, shall be entitled to a payment amount from the department of elementary and secondary education in addition to all other payments required under this chapter 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.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22,

Page 22, Section 67.319, Lines 9-10 of said page, by striking the word “twenty-five” and inserting in lieu thereof the following: “**ten**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 152, Section 479.011, Line 13, by inserting after all of said line the following:

“537.035. 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) “Health care professional”, a physician or surgeon licensed under the provisions of chapter 334, RSMo, **or a physical therapist licensed under the provisions of chapter 334, RSMo**, or a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, or a chiropractor licensed under the provisions of chapter 331, RSMo, or a psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of chapter 335, RSMo, or a social worker licensed under the provisions of chapter 337, RSMo, or a professional counselor licensed under the provisions of chapter 337, RSMo, or a mental health professional as defined in section 632.005, RSMo, **or an emergency medical technician, including an emergency medical technician-basic, emergency medical technician-intermediate, and an emergency medical technician-paramedic, and emergency medical dispatcher licensed or authorized under the provisions of chapter 190, RSMo**, while acting within their scope of practice;

(2) “Peer review committee”, a committee of

health care professionals with the responsibility to evaluate, maintain, or monitor the quality and utilization of health care services or to exercise any combination of such responsibilities.

2. A peer review committee may be constituted as follows:

(1) Comprised of, and appointed by, a state, county or local society of health care professionals;

(2) Comprised of, and appointed by, the partners, shareholders, or employed health care professionals of a partnership or professional corporation of health care professionals, or employed health care professionals of a university or an entity affiliated with a university operating under chapter 172, 174, 352, or 355, RSMo;

(3) Appointed by the board of trustees, chief executive officer, or the organized medical staff of a licensed hospital, or other health facility operating under constitutional or statutory authority, including long-term care facilities licensed under chapter 198, RSMo, or an administrative entity of the department of mental health recognized pursuant to the provisions of subdivision (3) of subsection 1 of section 630.407, RSMo;

(4) **Appointed by a board of trustees or chief executive officer of:**

(a) **A licensed ambulance service;**

(b) **A licensed emergency medical response agency; or**

(c) **Any not-for-profit organization that provides or contracts for ambulance services under authority granted to such not-for-profit organization by a city, county, town, village, or ambulance district and of which a majority of the governing body of such not-for-profit organization consists of elected officials or individuals appointed by a mayor, board of aldermen, city council, county commission, county legislature, or ambulance district;**

(5) Any other organization formed pursuant to

state or federal law authorized to exercise the responsibilities of a peer review committee and acting within the scope of such authorization;

[(5)] (6) Appointed by the board of directors, chief executive officer or the medical director of the licensed health maintenance organization;

(7) Appointed by a mayor, city council, board of aldermen, county commission, county legislature, or ambulance district.

3. Each member of a peer review committee and each person, hospital governing board, **ambulance service governing board, emergency medical response agency governing board,** health maintenance organization board of directors, and chief executive officer of a licensed hospital or other hospital operating under constitutional or statutory authority, **chief executive officer of an ambulance service or emergency medical response agency,** chief executive officer or medical director of a licensed health maintenance organization who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review committee.

4. Except as otherwise provided in this section, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of peer review committees, or the existence of the same, concerning the health care provided any patient are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate care. Except as otherwise provided in this section, no person who was in attendance at any peer review committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of

such proceeding, or to disclose any opinion, recommendation, or evaluation of the committee or board, or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before a peer review committee nor is a member, employee, or agent of such committee, or other person appearing before it, to be prevented from testifying as to matters within his personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about testimony or other proceedings before any health care review committee or board or about opinions formed as a result of such committee hearings. The disclosure of any interview, memoranda, proceedings, findings, deliberations, reports, or minutes to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other health care providers, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

5. The provisions of subsection 4 of this section limiting discovery and admissibility of testimony as well as the proceedings, findings, records, and minutes of peer review committees do not apply in any judicial or administrative action brought by a peer review committee or the legal entity which formed or within which such committee operates to deny, restrict, or revoke the hospital staff privileges or license to practice of a physician or other health care providers; or when a member, employee, or agent of the peer review committee or the legal entity which formed such committee or within which such committee operates is sued for actions taken by such committee which operate to deny, restrict or revoke the hospital staff privileges or license to practice of a physician or other health care provider.

6. Nothing in this section shall limit authority

otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from peer review committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Coleman raised the point of order that **SA 26** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Goodman offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 53, Section 67.1360, Line 6 of said page, by striking the word “or”; and further amend line 9 of said page, by inserting after “inhabitants” the following: “; or

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants”.

Senator Goodman moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 22**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 22**, as amended, was declared

perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 547**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 393**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 341**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 54**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senators Bray and Gibbons, joined by the entire membership, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 553

Whereas, the members of the Missouri Senate are inexpressibly saddened by the passing of Thomas Eagleton on Sunday, March 4, 2007, who represented the citizens of this state diligently and well in the United States Senate for three terms; and

Whereas, the margins of this meager page render impossible an adequate description of the service this towering figure of a man gave to his state and his country for over a half-century; and

Whereas, a cum laude graduate of Amherst who studied English politics at Oxford University and a veteran of the United States Navy, early in his career Thomas Eagleton was elected circuit attorney for the City of St. Louis at the age of 26, just three years after graduating from Harvard Law School, the youngest person ever elected to the office; and

Whereas, Thomas Eagleton, who never lost an election, became Missouri's youngest-ever attorney general in 1960 and youngest-ever lieutenant governor in 1964 before being elected to the United States Senate in 1968, and again in 1974 and in 1980; and

Whereas, while in the Senate, Thomas Eagleton served on the Appropriations, Governmental Affairs, Ethics and Foreign Affairs committees, and while generally considered liberal, he nevertheless criticized busing to achieve school desegregation and strongly opposed abortion; and

Whereas, Senator Eagleton was one of the principal sponsors of the Clean Air Act of 1970 and the Clean Water Act of 1972, was a vocal opponent of the war in Vietnam, and was chief author of the federal War Powers Act, yet according to a statement made by his family he was most proud of his 1973 amendment to a defense appropriations bill "that cut off funding for the bombing of Cambodia, effectively ending America's involvement in the Vietnam War"; and

Whereas, after retiring from the United States Senate, Thomas Eagleton returned to St. Louis, where he practiced law, taught at Washington University, and worked diligently for the interests of the city, state and nation, notably and conspicuously resigning from the Chicago Board of Trade in 1989 for reasons of conscience; and

Whereas, Thomas Eagleton received countless awards, honors and accolades during his lifetime, the federal courthouse in St. Louis is named after him, and Missouri Governor Matt Blunt has ordered that the flags at all state buildings be flown at half-mast in his honor; and

Whereas, Thomas Eagleton was the author or co-author of three books, most significantly 1974's "War and Presidential Power: A Chronicle of Congressional Surrender"; and

Whereas, Thomas Eagleton was respected for his high principles and universally liked for his consistently good humor, his death brings an outpouring of grief from Democrats and Republicans alike including George McGovern, who made the difficult decision during the 1972 presidential campaign to remove him from the Democratic ticket, a decision McGovern publicly regrets:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, extend our deepest and sincerest condolences to the family of Thomas

Eagleton, who have suffered an incalculable personal loss, and to the citizens of this state and this nation, who have lost a great statesman, leader, and friend; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to the family of former United States Senator Thomas Eagleton.

REFERRALS

President Pro Tem Gibbons referred **HCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

Senator Stouffer moved that **SB 103**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for SB 103 was again taken up.

Senator Stouffer moved that **SCS for SB 103** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS for SB 103** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Koster McKenna—2

Absent with leave—Senators—None

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.

SB 156, with **SCS**, introduced by Senator Engler, entitled:

An Act to repeal section 414.420, RSMo, and to enact in lieu thereof one new section relating to the Missouri alternative fuels commission.

Was called from the Consent Calendar and taken up.

SCS for **SB 156**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 156

An Act to repeal section 414.420, RSMo, and to enact in lieu thereof one new section relating to the Missouri alternative fuels commission.

Was taken up.

Senator Engler moved that **SCS** for **SB 156** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 156** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Koster	McKenna—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Gross assumed the Chair.

SB 159, with **SCS**, introduced by Senator Engler, entitled:

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed professional counselors.

Was called from the Consent Calendar and taken up.

SCS for **SB 159**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 159

An Act to amend chapter 337, RSMo, by adding thereto two new sections relating to licensed professional counselors.

Was taken up.

Senator Engler moved that **SCS** for **SB 159** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 159** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 272, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 334.625, RSMo, and to enact in lieu thereof one new section relating to the advisory commission for physical therapists.

Was called from the Consent Calendar and taken up.

SCS for **SB 272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 272

An Act to repeal sections 334.610 and 334.625, RSMo, and to enact in lieu thereof two new sections relating to the advisory commission for physical therapists, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 272** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 272** was read the 3rd time and passed by the following vote:

YEAS—Senators
Barnitz Bartle Bray Callahan

Champion Clemens Coleman Crowell
Days Engler Gibbons Goodman
Graham Green Griesheimer Gross
Justus Kennedy Koster Lager
Loudon Mayer Nodler Purgason
Ridgeway Rupp Scott Shields
Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 132, introduced by Senator Rupp, entitled:

An Act to repeal section 166.021, RSMo, and to enact in lieu thereof one new section relating to the state public school fund.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 132** was read the 3rd time and passed by the following vote:

YEAS—Senators
Barnitz Bartle Bray Callahan
Champion Clemens Coleman Crowell
Days Engler Gibbons Goodman
Graham Green Griesheimer Gross
Justus Kennedy Koster Lager
Loudon Mayer Nodler Purgason
Ridgeway Rupp Scott Shields
Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 171, introduced by Senator Nodler, entitled:

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof one new section relating to the Missouri board for architects, professional engineers, professional land surveyors, and landscape architects.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 171** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel—32

NAYS—Senators—None

Absent—Senators

McKenna Wilson—2

Absent with leave—Senators—None

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 Callahan moved that motion lay on the table, which motion prevailed.

SB 269, introduced by Senator Scott, entitled:

An Act to repeal sections 44.020 and 44.024, RSMo, and to enact in lieu thereof two new sections relating to the state emergency management agency.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 269** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 270, introduced by Senator Scott, entitled:

An Act to repeal section 590.190, RSMo, and to enact in lieu thereof one new section relating to the POST commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 271, introduced by Senator Scott, entitled:

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 271** was read

the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 158, introduced by Senator Engler, entitled:

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to licensed professional counselors.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 158** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon Mayer Nodler Purgason
 Ridgeway Rupp Scott Shields
 Shoemyer Smith Stouffer Vogel
 Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 281, introduced by Senator Griesheimer, entitled:

An Act to repeal section 327.621, RSMo, and to enact in lieu thereof two new sections relating to landscape architect licensing.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 281** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 237, introduced by Senators Shields and Justus, entitled:

An Act to repeal section 479.011, RSMo, and to enact in lieu thereof one new section relating to administrative adjudication of code violations, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **SB 237** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

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 Rupp moved that motion lay on the table, which motion prevailed.

SB 223, introduced by Senator Rupp, entitled:

An Act to repeal section 643.079, RSMo, and to enact in lieu thereof one new section relating to air pollution emission fees.

Was called from the Consent Calendar and taken up.

On motion of Senator Rupp, **SB 223** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 325, introduced by Senator Loudon, entitled:

An Act to repeal section 376.620, RSMo, and to enact in lieu thereof one new section relating to suicide provisions in certain life insurance contracts.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 325** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

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 Crowell moved that motion lay on the table, which motion prevailed.

SB 308, with **SCS**, introduced by Senator Crowell, et al, entitled:

An Act to repeal sections 345.015, 345.030, 345.045, 345.055, 346.030, 346.035, and 346.055, RSMo, and to enact in lieu thereof eight new sections relating to hearing instrument dispensing.

Was called from the Consent Calendar and taken up by Senator Crowell.

SCS for **SB 308**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 308

An Act to repeal sections 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, and 346.110, RSMo, and to enact in lieu thereof eleven new sections relating to hearing instrument dispensing, with penalty provisions and an effective date.

Was taken up.

Senator Crowell moved that **SCS for SB 308** be adopted, which motion prevailed.

On motion of Senator Crowell, **SCS for SB 308** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

Senator Graham moved that motion lay on the

table, which motion prevailed.

SB 162, introduced by Senator Vogel, entitled:

An Act to repeal section 143.782, RSMo, and to enact in lieu thereof one new section relating to income tax setoffs.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 162** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Coleman	Days	Kennedy—3
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Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 184, introduced by Senator Green, entitled:

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof five new sections relating to fire protection.

Was called from the Consent Calendar and taken up.

On motion of Senator Green, **SB 184** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 218, introduced by Senator Graham, entitled:

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Graham, **SB 218** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell

Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 233, introduced by Senator Crowell, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a county sales tax to fund certain services.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 233** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

Shoemyer Smith Stouffer Vogel
Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 376, introduced by Senator Griesheimer, entitled:

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the tourism supplemental revenue fund, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 376** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 397, with **SCS**, introduced by Senator Stouffer, entitled:

An Act to repeal section 198.018, RSMo, and to enact in lieu thereof one new section relating to applications for long-term care facilities.

Was called from the Consent Calendar and taken up.

SCS for **SB 397**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 397

An Act to repeal section 198.018, RSMo, and to enact in lieu thereof one new section relating to applications for long-term care facilities.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 397** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 397** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator McKenna—1

Absent with leave—Senators—None

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 Rupp moved that motion lay on the table, which motion prevailed.

SB 67, with **SCS**, introduced by Senator Rupp, entitled:

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to missing endangered person advisories.

Was called from the Consent Calendar and taken up.

SCS for **SB 67**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 67

An Act to repeal section 210.1012, RSMo, and to enact in lieu thereof two new sections relating to missing and endangered persons, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SB 67** be adopted, which motion prevailed.

On motion of Senator Rupp, **SCS** for **SB 67** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus

Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 236, introduced by Senator Shields, entitled:

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to mentoring standards for education personnel.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 236** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

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 Ridgeway moved that motion lay on the table, which motion prevailed.

SB 172, introduced by Senator Ridgeway, entitled:

An Act to repeal sections 86.1230 and 86.1600, RSMo, and to enact in lieu thereof two new sections relating to the police retirement system and the civilian employees' retirement system of the police department of Kansas City.

Was called from the Consent Calendar and taken up.

On motion of Senator Ridgeway, **SB 172** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

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 Callahan moved that motion lay on the table, which motion prevailed.

SB 135, introduced by Senator Nodler, entitled:

An Act to repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education loan authority.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 135** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Green McKenna—2

Absent with leave—Senators—None

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.

INTRODUCTIONS OF GUESTS

On behalf of Senators McKenna, Engler and himself, Senator Kennedy introduced to the Senate, John Scullin, Jim Gross, Norman Corley, Craig Calvert and Jeff Hutchinson, representatives of the North Jefferson County Ambulance District.

Senator Shields introduced to the Senate, representatives of Emergency Medical Services Day.

Senator Gibbons introduced to the Senate, representatives of Hispanic Day.

Senator Griesheimer introduced to the Senate, eighth grade students from Holy Rosary Catholic School, Warrenton.

Senator Coleman introduced to the Senate, Mike Seppi, Beth Growe, Gloria McCarter, Christopher Tabourne and Andrew Polin, St. Louis.

Senator Shoemyer introduced to the Senate, Kristina Armstrong, Rolla.

Senator Barnitz introduced to the Senate, Kim Martin, Rolla; Carolyn Beal and Ralf Trusty, Iberia; Dianne Pankau, Maggie Stiegman, Eva Erickson, Kendra Brune and Angie Walter, Hermann; and Anna Maria Kulback, Waynesville.

Senator Smith introduced to the Senate, Sheila Fazio, Charles Fischer and three hundred social work students from St. Louis University, University of Missouri-St. Louis and Washington University.

Senator Days introduced to the Senate, students from the University of Missouri-St. Louis School of Social Work.

On behalf of Senator Gibbons and herself, Senator Bray introduced to the Senate, Mrs.

Gibson, Mr. Melanson and forty-three fourth and fifth grade students from Webster Groves Computer School.

Senator Barnitz introduced to the Senate, Valerie Moats and Julie Weems, Waynesville.

Senator Justus introduced to the Senate, Jackson County Legislator Teresa Garza and Genaro Ruiz, Kansas City.

Senator Shields introduced to the Senate, Dr. Monica Nandan and Barbara Martin, Alison Cornell, Megan Mooney, Katie Palmer, Brandi Stuart, Jesse Campbell and John Hede, students from the Social Work Policy Class at Missouri Western State University, St. Joseph.

On behalf of Senator Griesheimer, the President introduced to the Senate, Bill Gegg and members of the Pro-Life Club from St. Francis Borgia High School, Washington.

Senator Kennedy introduced to the Senate, Greg Meyer and his son, Nick, St. Louis; and Nick was made an honorary page.

Senator Kennedy introduced to the Senate, Donna Abernathy Schuman and forty members of the South St. Louis County Chamber of Commerce.

Senator Loudon introduced to the Senate, students from Westridge School, Ballwin; and Maria Rondinaro, Hazelwood.

Senator Barnitz introduced to the Senate, Cathy Griesbauer and her daughter, Eli, Montgomery City; and Eli was made an honorary page.

Senator Scott introduced to the Senate, Mitchell Mills, Clinton; Teresa Bollenbach, Lebanon; Jeannine Stuart and Carol Basler, St. Louis County; Peggy McDaniel, Fair Grove; Devona Allen, Buffalo; and Doug Clift, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY—THURSDAY, MARCH 8, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 690-Smith, et al	SB 703-Bray
SB 691-Gross	SB 704-Bray
SB 692-Ridgeway	SB 705-Mayer
SB 693-Ridgeway	SB 706-Mayer
SB 694-Shields	SB 707-Gibbons
SB 695-Kennedy and Smith	SB 708-Shoemyer
SB 696-Wilson and Coleman	SB 709-Shoemyer
SB 697-Ridgeway, et al	SB 710-Coleman
SB 698-Ridgeway, et al	SJR 25-Loudon
SB 699-Lager	SJR 26-Bray
SB 700-Purgason	SJR 27-Ridgeway and Loudon
SB 701-Goodman	SJR 28-Scott
SB 702-Bray and Smith	

HOUSE BILLS ON SECOND READING

HB 269-Nolte	HB 69-Day
HCS for HB 678	HCS for HB 16
HB 70-Day, et al	

THIRD READING OF SENATE BILLS

SB 164-Scott (In Fiscal Oversight)	SB 268-Coleman
SCS for SB 64-Goodman and Koster	SCS for SB 16-Scott (In Fiscal Oversight)
SCS for SB 456-Gross (In Fiscal Oversight)	SCS for SB 54-Koster

SENATE BILLS FOR PERFECTION

- | | |
|---|---------------------------------|
| 1. SBs 239, 24 & 445-Stouffer, with SCS | 13. SB 320-Clemens, with SCS |
| 2. SB 215-Loudon, with SCS | 14. SB 492-Crowell |
| 3. SB 297-Loudon, with SCS | 15. SB 476-Crowell |
| 4. SB 40-Ridgeway | 16. SB 303-Loudon, et al |
| 5. SB 47-Engler, with SCS | 17. SB 363-Bartle |
| 6. SB 418-Champion, with SCS | 18. SB 82-Griesheimer, with SCS |
| 7. SBs 260 & 71-Koster, et al, with SCS | 19. SB 112-Rupp |
| 8. SBs 370, 375 & 432-Scott and Koster,
with SCS | 20. SB 131-Rupp |
| 9. SB 257-Engler, et al | 21. SB 31-Nodler |
| 10. SJRs 9 & 17-Crowell and Bartle,
with SCS | 22. SB 250-Ridgeway and Vogel |
| 11. SB 242-Nodler, with SCS | 23. SB 570-Clemens |
| 12. SB 160-Rupp, with SCS | 24. SB 444-Goodman |
| | 25. SB 364-Koster, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SB 2-Gibbons, with SCS | SB 274-Shields |
| SB 3-Gibbons, with SCS | SB 282-Griesheimer, with SCS & SS
for SCS (pending) |
| SB 21-Griesheimer, with SCS | SB 287-Crowell and Vogel |
| SB 27-Bartle and Koster | SB 292-Mayer |
| SB 75-Coleman, et al, with SCS | SB 300-Bartle |
| SB 101-Mayer | SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending) |
| SB 155-Engler, with SCS | SB 430-Shields, et al, with SCS |
| SB 169-Rupp, with SCS, SS for SCS & SA 1
(pending) | |
| SB 204-Stouffer, with SCS & SS for SCS
(pending) | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 2/22

SB 395-McKenna

Reported 3/1

SB 166-Griesheimer

SB 299-Purgason, with SCS

SB 323-Graham

SB 334-Griesheimer

SB 345-Shoemyer

SB 360-Goodman, with SCS

SB 352-Clemens

SB 139-Bray

SB 200-Stouffer

SB 543-Stouffer

SB 549-Scott

SB 416-Goodman

SB 328-Engler

SB 407-Shoemyer

SB 309-Stouffer, with SCS

SB 332-Stouffer

SB 498-Scott

SB 440-Days and Gibbons

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS (Gross)

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