

# Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

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FIFTH DAY—WEDNESDAY, AUGUST 29, 2007

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, may we be a people of prayer, asking not only for our daily needs and especially for Your guidance through this day, but also praying for others. We are particularly mindful of those raised in concern by Senator Nodler for we don't always understand the changes and chances of life that allows someone to injure and kill others, but we understand the grief and hurt that is left in their wake. So we pray for those who mourn and ask that You will comfort and care for all those who have experienced death about them; especially for the families where violence has ripped their lives apart. And we ask that You teach us Lord to become comforters as well. 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 Journals for Monday, August 20, 2007; Thursday, August 23, 2007; Friday, August 24, 2007; and Monday, August 27, 2007 were 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	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Graham offered Senate Resolution No. 52, regarding Victoria “Tori” Boyles, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 53, regarding the One Hundredth Birthday of the late Jane Froman, which was adopted.

Senator Stouffer offered Senate Resolution No. 54, regarding Kendall Wassman, which was

adopted.

Senator Stouffer offered Senate Resolution No. 55, regarding Wilma Runyan, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 56, regarding Janet Graf, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 57, regarding the Sesquicentennial Anniversary of the Bethel African Methodist Episcopal Church, Macon, which was adopted.

Senator Champion offered Senate Resolution No. 58, regarding the Seventieth Birthday and the Fiftieth Anniversary as a minister of Pastor Billy H. Burris, Springfield, which was adopted.

Senator Lager offered Senate Resolution No. 59, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Busby, Parnell, which was adopted.

Senator Mayer offered Senate Resolution No. 60, regarding Kelsey Ryan Brown, which was adopted.

Senator Coleman offered Senate Resolution No. 61, regarding the One Hundredth Birthday of Major David Montique, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 62, regarding Gary Steven Markenson, Jefferson City, which was adopted.

Senator Lager offered Senate Resolution No. 63, regarding Carol Williams, Sullivan County, which was adopted.

Senator Lager offered Senate Resolution No. 64, regarding Patricia Wood, Linn County, which was adopted.

Senator Lager offered Senate Resolution No. 65, regarding Velda Daniel, Gentry County, which was adopted.

Senator Lager offered Senate Resolution No. 66, regarding James Robert "Bob" Teegarden, Daviess County, which was adopted.

Senator Lager offered Senate Resolution No. 67, regarding Laura Mae Norton, Clinton County, which was adopted.

Senator Lager offered Senate Resolution No. 68, regarding the late Annabel Hunt, Caldwell County, which was adopted.

Senator Barnitz offered Senate Resolution No. 69, regarding the Ninety-fifth Birthday of Albert Carroll McCutchen, Rolla, which was adopted.

Senator Barnitz offered Senate Resolution No. 70, regarding the Fiftieth Wedding Anniversary of Dwane Hamilton Whitaker and Donna Carol Willis Whitaker, which was adopted.

Senator Barnitz offered Senate Resolution No. 71, regarding the Seventieth Wedding Anniversary of Reverend Donald and Aileen Lunsford, Boss, which was adopted.

Senator Purgason offered Senate Resolution No. 72, regarding the Fiftieth Wedding Anniversary of Thomas and Lois Rogers, Camdenton, which was adopted.

Senator Justus offered Senate Resolution No. 73, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Andrade, which was adopted.

Senator Justus offered Senate Resolution No. 74, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cecilio Torres, which was adopted.

Senator Champion offered Senate Resolution No. 75, regarding the Fiftieth Reunion of the Greenwood School Graduating Class of 1957, which was adopted.

Senator Barnitz offered Senate Resolution No. 76, regarding the Fiftieth Wedding Anniversary of Kenneth and Melba Joy, Cuba, which was adopted.

Senator Barnitz offered Senate Resolution No. 77, regarding the Fiftieth Wedding Anniversary of Robert and Wanda Davis, Rolla, which was

adopted.

Senator Griesheimer offered Senate Resolution No. 78, regarding Nancy Kossmann, Union, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1**, with **SCS**; and **HB 2**, begs leave to report that it has considered the same and recommends that the bills do pass.

The Senate observed a moment of silence in memory of Spc. Rickey L. Bell.

## HOUSE BILLS ON THIRD READING

**HCS** for **HB 1**, with **SCS**, entitled:

An Act to repeal sections 32.105, 99.805, 100.286, 135.460, 135.478, 135.500, 135.545, 135.550, 135.600, 135.630, 135.750, 135.950, 135.963, 135.967, 135.1150, 144.030, 173.196, 173.796, 178.895, 178.896, 348.300, 578.395, 620.495, 620.521, 620.523, 620.527, 620.529, 620.530, 620.537, 620.638, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof thirty-five new sections relating to fostering business growth through incentives, with an emergency clause.

Was taken up by Senator Griesheimer.

**SCS** for **HCS** for **HB 1**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1

An Act to repeal sections 32.105, 99.805, 100.286, 135.460, 135.478, 135.500, 135.545, 135.550, 135.600, 135.630, 135.750, 135.950, 135.963, 135.967, 135.1150, 144.030, 173.196, 173.796, 178.895, 178.896, 348.300, 578.395,

620.495, 620.521, 620.523, 620.527, 620.529, 620.530, 620.537, 620.638, 620.1039, 620.1878, and 620.1881, RSMo, and section 99.820, as truly agreed to and finally passed in senate substitute for house committee substitute for house bill no. 741, ninety-fourth general assembly, first regular session, and to enact in lieu thereof thirty-six new sections relating to fostering business growth through incentives.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1** be adopted.

Senator Griesheimer offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 110, Section 620.537, Line 22, by inserting immediately after said line the following:

“Section B. Because immediate action is necessary for the creation of family-supporting jobs for the citizens of Missouri and creating incentives for investment in the state, the repeal and reenactment of sections 620.1878 and 620.1881 and the enactment of section 135.680 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 620.1878 and 620.1881 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 2**, which was read:

### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1,

Page 5, Section 67.306, Line 7, by adding after the period (.) on said line the following:

“The provisions of this section shall not apply to tickets marked ‘Not for Resale’. Any person who sells or buys a ticket so marked may be charged with an infraction.”

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

Senator Shields announced that photographers from KMIZ-TV, Columbia Tribune and KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Bray offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 2, Section 32.105, Line 1, by striking said section in its entirety;

And further amend page 21, section 100.286, line 1 by striking said section in its entirety;

And further amend page 23, section 135.460, line 1 by striking said section in its entirety;

And further amend page 28, section 135.500, line 1 by striking said section in its entirety;

And further amend page 30, section 135.545, line 1 by striking said section in its entirety;

And further amend page 31, section 135.550, line 1 by striking said section in its entirety;

And further amend page 33, section 135.600, line 1 by striking said section in its entirety;

And further amend page 35, section 135.630, line 1 by striking said section in its entirety;

And further amend page 60, section 135.1150, line 1 by striking said section in its entirety;

And further amend page 72, section 173.196, line 1 by striking said section in its entirety;

And further amend page 72, section 173.796, line 1 by striking said section in its entirety;

And further amend page 78, section 348.300, line 1 by striking said section in its entirety;

And further amend page 79, section 620.495, line 1 by striking said section in its entirety;

And further amend page 86, section 620.638, line 1 by striking said section in its entirety;

And further amend page 88, section 620.1039, line 1 by striking said section in its entirety;

And further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Barnitz, Days, Graham and Smith.

Senator Rupp assumed the Chair.

**SA 3** failed of adoption by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Days	Graham	Green
Justus	Kennedy	Koster	Lager
McKenna	Purgason	Shoemyer	Smith—16

#### NAYS—Senators

Champion	Clemens	Crowell	Engler
Gibbons	Goodman	Griesheimer	Loudon
Mayer	Nodler	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wilson—17			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Bray offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 60, Section 135.967, Line 114, by inserting immediately after “revenue” the following:

“, or any other state department,”; and

Further amend said section and page, line 116, by inserting immediately after “taxes,” the following:

“or any fees or assessments levied by any state department”; and

Further amend said section and page, line 121, by inserting immediately after “insurance”, the following:

“, or any other state department,”; and

Further amend page 103, section 620.1881, line 289, by inserting immediately after “revenue” the following:

“, or any other state department,”; and

Further amend said section and page, line 291, by inserting immediately after “taxes,” the following:

“or any fees or assessments levied by any state department”; and

Further amend said page and section, line 297, by inserting immediately after “insurance”, the following:

“, or any other state department,”.

Senator Bray moved that the above amendment be adopted.

Senator Griesheimer offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 1, Line 6, by inserting immediately after the first use of the word “any” the following: “**delinquent**”; and further amend line 15 by inserting immediately after the first use of the word “any” the following: “**delinquent**”.

Senator Griesheimer moved that the above

amendment be adopted, which motion prevailed.

**SA 4**, as amended, was again taken up.

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

Senator Callahan offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 17, Section 99.1205, Lines 78 to 80, by striking said lines and re-lettering subsequent subdivisions accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Crowell assumed the Chair.

Senator Barnitz offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Pages 15-21, Section 99.1205, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Barnitz moved that the above substitute amendment be adopted.

Senator Kennedy requested a roll call vote be taken on the adoption of **SSA 1** for **SA 5**. He was joined in his request by Senators Barnitz, Callahan, Graham and Justus.

Senator Rupp assumed the Chair.

**SSA 1** for **SA 5** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Coleman
Lager	Purgason	Shoemyer	Wilson—8

NAYS—Senators

Callahan	Champion	Clemens	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Justus
Kennedy	Koster	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Smith	Stouffer
Vogel—25			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

**SA 5** was again taken up.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Griesheimer, Justus and Kennedy.

**SA 5** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Graham
Justus	Shoemyer	Wilson—7	

NAYS—Senators

Bartle	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith
Stouffer	Vogel—26		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Shoemyer offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1,

Page 20, Section 99.1205, Line 212, by inserting immediately after all of said line the following **“Tax credits under this section shall be subject to all provisions of sections 135.800 to 135.830 – the Tax Credit Accountability Act of 2004.”**.

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

Senator Scott assumed the Chair.

**PRIVILEGED MOTIONS**

Having voted on the prevailing side, Senator Griesheimer moved that the vote by which **SA 1** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bray—1

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Griesheimer, **SA 1** was withdrawn.

Senator Griesheimer offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 110, Section 620.537, Line 22, by inserting immediately after said line the following:

“Section B. Because immediate action is necessary for the creation of family-supporting

jobs for the citizens of Missouri and creating incentives for investment in the state, the repeal and reenactment of sections 620.1878 and 620.1881 and the enactment of section 135.680 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 620.1878 and 620.1881 and the enactment of section 135.680 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 78, Section 178.896, Line 40, by inserting after all of said line the following:

“**285.023. As used in section 285.025, the following terms shall have the following meanings:**

(1) “**Employee**”, any person performing or applying for work or service of any kind or character for hire;

(2) “**Employer**”, a person who pays for the services of an individual employee or independent contractor. This term shall include a person who pays for the services of a general or subcontractor. Where there are two or more putative employers, any person or entity taking a business tax deduction for the employee in question shall be considered an employer of that person;

(3) “**Employment**”, the act of employing or state of being employed, engaged, or hired;

(4) “**Status verification system**”, an electronic system operated by the federal

**government, through which an authorized official of an agency of this state or of a political subdivision of this state may make an inquiry, by exercise of authority delegated under 8 U.S.C. 1373, to verify the work authorization status of any individual. The status verification system shall be deemed to include the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, P.L. 104-208, Division C, Section 403(a); 8 U.S.C. 1324a, and operated by the United States Department of Homeland Security, known as the Basic Pilot Program, or any equivalent federal work authorization program designated by the United States Department of Homeland Security or any other federal agency authorized to verify the work authorization status of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603;**

(5) “**Unauthorized alien**”, an alien who does not have the legal right or authorization under federal law to work in the United States, as defined by 8 U.S.C. 1324a(h)(3);

(6) “**Work**”, any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities.

285.025. 1. The state of Missouri hereby proclaims that no employer who employs [illegal] **unauthorized** aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state. The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no [illegal] **unauthorized** aliens. Any individual, individual proprietorship,

corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an [illegal] **unauthorized** alien in this state shall be ineligible for any state-administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.

2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole County circuit court.

3. **Any employer, contractor, or subcontractor who knows or should have known that individuals in their employ are unauthorized aliens and are employed on a project in which the employer, contractor, or subcontractor has participated, involving state administered or subsidized tax credits, tax abatements, or loans referenced under subsection 1 of this section, shall be subject to a fine of up to twenty-five thousand dollars per**

**unauthorized alien for the first such offense, and up to fifty thousand dollars per unauthorized alien for any subsequent offense. Jurisdiction over such fines shall reside with the agency administering the program. In the event such employer, contractor, or subcontractor intentionally engages in such activity, that employer, contractor, or subcontractor shall be banned from any further projects administered by such agency. Any employer, contractor, or subcontractor fined or banned from further projects under this subsection may make an appeal with the administrative hearing commission.**

4. **When an employer contracts with a general or subcontractor and that general or subcontractor is found to have hired an unauthorized alien, the employer shall remain eligible for all tax credits, tax abatements, and loans referenced under subsection 1 of this section and shall be exempt from any action and penalty referenced under subsections 1, 2, or 3 of this section if the employer, in all contracts with the general or subcontractor, requires the general or subcontractor to actively participate in a status verification system program. The general or subcontractor must show that the general or subcontractor has verified the employment eligibility of every employee, including every independent contractor, in their hire who is employed during the duration of the project. The general or subcontractor shall retain all documentation received in connection with the participation in the status verification system that verifies the employment eligibility of every employee and independent contractor for at least three years after the termination of the employment of the employee or the independent contractor. This documentation shall be provided to the director of the agency administering the program upon request.**

5. **All state entities shall comply with the provisions of section 610.035, RSMo, relating to the public disclosure of Social Security numbers**



**while administering this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Champion raised the point of order that **SA 8** is out of order as it goes beyond the Governor’s special session call.

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

Senator Green offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 18, Section 99.1205, Line 126, by inserting at the end of said line the following: **The redevelopment agreement shall state that the named developer shall be subject to the provisions of chapter 290, RSMo.”.**

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

Senator Coleman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 16, Section 99.1205, Line 66, by inserting immediately after the word “construction” the following **“or destruction”**.

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

Senator Coleman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 63, Section 135.1150, Line 91, by inserting after all of said line the following:

“142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax

imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subsection (1) of this section, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term “farmer” shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section

142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor;

The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and

constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

**(4) Motor fuel used solely and exclusively as fuel to propel school buses, as such term is defined under subdivision (19) of section 302.010, RSMo, on the public roads and highways of this state when leased or owned and when being operated by a public school district of this state, or leased or owned by a person under contract with such district for the provision of bus services for educational purposes. The exemption for use under this subdivision shall be made available to the school district for whose educational purposes the fuel**

**is consumed, whether the fuel was purchased by such school district or by another under a contract to provide bus service for such school district, upon a refund application stating that the motor fuel was purchased for the exclusive use of the school districts.**

(5) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

[(5)] (6) Motor fuel sold within an Indian reservation or within Indian country by a federally recognized Indian tribe to a member of that tribe and used in motor vehicles owned by a member of the tribe within Indian country. This exemption does not apply to sales within an Indian reservation or within Indian country by a federally recognized Indian tribe to non-Indian consumers or to Indian consumers who are not members of the tribe selling the motor fuel. This exemption shall be administered as provided in section 142.821;

[(6)] (7) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

[(7)] (8) Motor fuel acquired by a consumer

out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

[(8)] (9) Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

[(9)] (10) Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one

thousand dollars.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 11** is out of order as it goes beyond the Governor’s special session call.

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

Senator Justus offered **SA 12**:

**SENATE AMENDMENT NO. 12**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 104, Section 620.1881, Line 319, by inserting after all of said line the following:

**“14. (1) Any increase in general revenue directly attributable to the tax credit program under this section shall be used to fund the child care subsidies under this subsection;**

**(2) The children's division within the department of social services shall promulgate rules to become effective no later than July 1, 2008, to modify the income eligibility criteria for any person receiving state-funded child care assistance under chapter 208, RSMo, either through vouchers or direct reimbursement to child care providers, as follows:**

**(a) For incomes of less than one hundred thirty percent of the federal poverty level for the applicable family size, such persons receiving state-funded child care assistance under chapter 208, RSMo, shall be eligible, subject to appropriations, to receive child care subsidy benefits, less a sliding fee established by the children's division based on family size and income;**

**(b) A person receiving state-funded child care assistance under chapter 208, RSMo, and whose income surpasses one hundred thirty**

**percent of the federal poverty level for the applicable family size may continue to receive reduced subsidy benefits on a scale established by the children's division until such person's income reaches one hundred sixty percent of the federal poverty level for the applicable family size, at which time such person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall be no longer eligible for child care subsidy benefits;**

**(c) If appropriations in a given fiscal year are insufficient to provide the subsidy established under chapter 208, RSMo, for all eligible recipients, the children's division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list.**

**(3) The sliding scale fee established in this subsection for child care subsidy recipients may be waived for children with special needs as established by the children's division;**

**(4) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”.**

Senator Justus moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 12** is out of order as it goes beyond the

Governor's special session call.

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

### PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Griesheimer moved that the vote by which **SA 6** was adopted be reconsidered, which motion prevailed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

#### NAYS—Senators—None

#### Absent—Senators

Clemens            Green—2

#### Absent with leave—Senators—None

#### Vacancies—1

At the request of Senator Shoemyer, **SA 6** was withdrawn.

Senator Shoemyer offered **SA 13**, which was read:

#### SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 20, Section 99.1205, Line 212, by inserting at the end of said line, the following:

**“Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800 RSMo, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830 RSMo.”.**

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

Senator Shoemyer offered **SA 14**, which was read:

#### SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 15, Section 99.1205, Line 6, by inserting immediately after “fees,” the following: **“reasonable”**; and further amend said line by inserting immediately after “and” the following: **“reasonable”**.

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

Senator Graham offered **SA 15**:

#### SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 20, Section 99.1205, Line 213, by inserting after “9.” the following: **“Any developer, contractor, or subcontractor of a developer who knows or should have known that individuals who are not authorized to work in the United States are employed on a project involving state tax credits issued under the section shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction over such fines shall reside with the agency administering the tax credit.**

**10.”**; and

Further amend said bill, page 41, section 135.679, line 111, by inserting immediately after “7.”, the following: **“Any taxpayer who receives tax credits authorized under this section and knows or should have known that individuals who are not authorized to work in the United States are employed by such taxpayer shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense.**

**Jurisdiction over such fines shall reside with the agency administering the tax credit.**

8.”; and further amend said section by renumber the remaining subsection accordingly; and

Further amend said bill, page 49, section 135.750, line 95, by inserting immediately after the “6.” the following: **“Any taxpayer who receives tax credits authorized under this section and knows or should have known that individuals who are not authorized to work in the United States are employed by such taxpayer shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction over such fines shall reside with the agency administering the tax credit.**

7.”; and

Further amend said bill, page 57, section 135.967, line 10, by inserting at the end of said line, the following: **“Any developer, contractor, or subcontractor of a developer who knows or should have known that individuals who are not authorized to work in the United States are employed on a project involving state tax credits issued under the section shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction over such fines shall reside with the agency administering the tax credit.”**; and

Further amend said bill, page 89, section 620.1039, line 48, by inserting immediately after all of said line the following:

**“5. Any taxpayer who receives tax credits authorized under this section and knows or should have known that individuals who are not authorized to work in the United States are employed by such taxpayer shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction**

**over such fines shall reside with the agency administering the tax credit.”**; and further renumber the remaining subsections accordingly; and

Further amend said bill, page 97, section 620.1881, line 58, by inserting at the end of said line the following: **“Any qualified company which receives tax credits authorized under this section and knows or should have known that individuals who are not authorized to work in the United States are employed by such qualified company shall be subject to a fine of up to twenty-five thousand dollars for the first such offense, and up to fifty thousand dollars for any subsequent offense. Jurisdiction over such fines shall reside with the department.”**.

Senator Graham moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 15** is out of order as it goes beyond the Governor’s special session call.

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

Under the provisions of Senate Rule 10, Senator Graham appealed the ruling made by the President Pro Tem on the point of order on **SA 15**. He requested a roll call vote be taken and was joined in his request by Senators Callahan, Coleman, Justus and Green.

Senator Graham’s appeal failed by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Days
Graham	Green	Justus	Koster
McKenna	Shoemyer	Smith	Wilson—12

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Goodman	Griesheimer	Kennedy
Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel—19	

Absent—Senator Clemens—1

Absent with leave—Senator Bray—1

Vacancies—1

Senator Smith offered **SA 16**, which was read:

**SENATE AMENDMENT NO. 16**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 102, Section 620.1881, Line 253, by striking “forty” and inserting in lieu thereof the following: “**fifty**”.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Justus, Kennedy and Koster.

**SA 16** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Days
Graham	Green	Justus	Kennedy
Koster	McKenna	Shoemyer	Smith
Wilson—13			

NAYS—Senators

Bartle	Champion	Crowell	Engler
Gibbons	Goodman	Griesheimer	Lager
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—18		

Absent—Senator Clemens—1

Absent with leave—Senator Bray—1

Vacancies—1

Senator Justus offered **SA 17**, which was read:

**SENATE AMENDMENT NO. 17**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 110, Section 620.537, Line 22, by inserting immediately after said line the following:

“Section B. The repeal and reenactment of section A of this act shall be in full force and effect when the eligibility requirements in the Mo HealthNet program are no more restrictive than those eligibility requirements in the state Medicaid program in effect on January 1, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Kennedy, Koster, Callahan and Smith.

Senator Griesheimer raised the point of order that **SA 17** is out of order as it goes beyond the Governor’s special session call.

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

Senator Callahan offered **SA 18**, which was read:

**SENATE AMENDMENT NO. 18**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 19, Section 92.1205, Line 179, by inserting after the word “dollars.” the following: “**The department shall not issue more than fifty percent of the tax credits available in any given year to projects located in municipalities subject to the authority of the East-West Gateway Council of Governments.**”.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Graham, Smith and Wilson.

**SA 18** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Graham	Justus
Shoemyer	Wilson—6		

NAYS—Senators

Bartle	Champion	Clemens	Coleman
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Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Smith
Stouffer	Vogel—26		

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

Senator Griesheimer offered **SA 19**:

**SENATE AMENDMENT NO. 19**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1, Page 1, Section Title, Line 6, by inserting after “RSMo,” the following: “section 99.820 as truly agreed to and finally passed in conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 11, ninety-second general assembly, first regular session,”; and

Further amend said bill and page, Section A, Line 5, by inserting after “RSMo,” the following: “section 99.820 as truly agreed to and finally passed in conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 11, ninety-second general assembly, first regular session,”; and

Further amend said bill, Pages 9 to 14, Section 99.820, by striking all of said section and inserting in lieu thereof the following:

“99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice

and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;



(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other

official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be

appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

**(7) Effective January 1, 2008, in a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for any county with a charter form of government and with more than one million inhabitants, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;**

**(8) Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway Council of Governments,**

**except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;**

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the

municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.”; and

Further amend said bill, Page 104, Section 620.1881, Line 319, by inserting after all of said line the following:

“[99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing

requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the

terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing

districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality

and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a

county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be

appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) Effective January 1, 2008, in a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for any county with a charter form of government and with more than one million inhabitants, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway

Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan,

redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **HCS** for **HB 1**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Callahan	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Goodman	Green	Griesheimer	Kennedy
Koster	Loudon	Mayer	McKenna
Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel—25			

NAYS—Senators

Barnitz	Bartle	Graham	Justus
Lager	Purgason	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Champion	Clemens	Crowell
Engler	Gibbons	Goodman	Green
Griesheimer	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel—25			

NAYS—Senators

Bartle	Callahan	Coleman	Days
Graham	Justus	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

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.

**HB 2**, introduced by Representatives St. Onge, et al, entitled:

An Act to repeal section 227.107, RSMo, and to enact in lieu thereof one new section relating to state highways and transportation commission design-build state highway project bond requirements, with an emergency clause.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1



The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Bray—1

Vacancies—1

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.

## REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Charlene M. Heyde, as a member of the Drug Utilization Review Board;

Also,

James G. Wesselschmidt, Republican, and Bernard R. Malone, Democrat, as members of the State Milk Board;

Also,

Michael L. Weaver, Democrat, Nathalie L. Tungesvik and Anne E. Peterson, Republicans, as members of the State Board of Health;

Also,

Schuyler J. Mariea and Bruce V. Work, as members of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Walter R. Hicklin, Democrat, as a member of the University of Central Missouri Board of Governors;

Also,

Steven D. Long, Republican, as a member of the Board of Probation and Parole;

Also,

Pamela S. Neugebauer, Republican, and Darrell B. Roegner, Democrat, as members of the Missouri State Penitentiary Redevelopment Commission;

Also,

Gordon A. Elliott, Republican, as a member of the Missouri State University Board of Governors;

Also,

James E. Bureman, as a member of the State Board of Optometry;

Also,

Nancy D. Perry, Republican, as a member of the Missouri Southern State University Board of Governors;

Also,

James E. Burlingame and David L. Edwards, Republicans, as members of the Amusement Ride

## Safety Board;

Also,

Naomi R. Hunter, as a member of the State Committee for Professional Counselors;

Also,

Jan C. Tupper, Republican, as a member of the Clean Water Commission;

Also,

Brian J. Robb, Mary M. Berry and Roger D. Porter, as members of the Advisory Committee for 911 Service Oversight;

Also,

Stephen L. McBee and John F. Morrison, as members of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Leni R. Fluegge, as student representative of Southeast Missouri State University Board of Regents;

Also,

Carl A. Kinnison, Kenneth L. Gregory and Ronald S. Johnson, as members of the Peace Officer Standards and Training Commission;

Also,

Janice M. Jones, Republican, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Kenneth L. Miller, Republican, as a member of the Linn State Technical College Board of Regents;

Also,

Kathleen A. Carter, as a member of the Mental Health Commission;

Also,

Charles H. Waalkes, Harold E. James and Cathy E. Stroud, Republicans, as members of the

## Credit Union Commission;

Also,

Barbara A. Bilek, as a member of the State Board of Pharmacy;

Also,

Stephen L. Foster, Democrat, as a member of the Platte County Election Board;

Also,

Marcia L. Bennett-Hazelrigg, Democrat, as a member of the Tourism Commission;

Also,

Becky L. Plattner and Don R. Johnson, Democrats, as members of the Conservation Commission;

Also,

Terry L. Ramsey, Robert P. Neumann, Anne G. Rottman and Christopher A. Gordon, as members of the State Historical Records Advisory Board;

Also,

Patricia I. Carter, as a member of the Coordinating Board for Early Childhood;

Also,

Michael R. Covington and Sheldon L. Lineback, as members of the Amber Alert System Oversight Committee;

Also,

Kenneth L. Read, Republican, as a member of the Truman State University Board of Governors;

Also,

Vincent C. Schoemehl, Jr., as a member of the Bi-State Development Agency for the Missouri-Illinois Metropolitan District;

Also,

Kenneth D. Legan, Republican, as a member

of the Missouri Ethics Commission;

Also,

Joshua T. Travis, Andres M. Dominguez, Claudette M. Scott and Dana M. Hardy, Democrats, as members of the Missouri Community Service Commission;

Also,

Robert C. Kramer, Democrat, as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Dorothy M. Creager, as a member of the Board of Boiler and Pressure Vessel Rules;

Also,

Jose H. Lopez, Democrat, as a member of the Jackson County Sports Complex Authority;

Also,

Thomas F. Myers, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

David Poggemeier, Republican, as a member of the State Board of Registration for the Healing Arts;

Also,

Frances A. Hogue, as a member of the Missouri Board for Respiratory Care;

Also,

Brian D. Dunlop and Peggy S. Pearl, as members of the Child Abuse and Neglect Review Board;

Also,

Carl D. Nelson and Dawn M. Standley, as members of the Board of Therapeutic Massage;

Also,

Linda A. Englemann, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

August 29, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on August 20, 2007 for your advice and consent:

Mary I. Beveridge, 6164 Charlotte Street, Kansas City, Jackson County, Missouri 64110, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until her successor is duly appointed and qualified; vice, James Giles, resigned.

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Daniel K. Carr, withdrawn.

John L. Evans, Republican, 3789 South East Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, John L. Evans, withdrawn.

Derio L. Gambaro, Democrat, 5320 Wilson Avenue, Saint Louis City, Missouri 63110, as a member of the State Board of Education, for a term ending July 1, 2012, and until his

successor is duly appointed and qualified; vice, Donayle Whitmore-Smith, withdrawn.

Anton H. Luetkemeyer, 156 East Old Plank Road, Columbia, Boone County, Missouri 65203, as student representative of the University of Missouri Board of Curators, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Maria Curtis, term expired.

John P. Orr, Democrat, 55 Moorgate Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Elevator Safety Board, for a term ending June 6, 2010, and until his successor is duly appointed and qualified; vice, George Lodes, term expired.

Ben A. "Todd" Parnell, Democrat, 3545 Cinnamon Place, Springfield, Greene County, Missouri 65809, as a member of the Clean Water Commission, for a term ending April 12, 2008, and until his successor is duly appointed and qualified; vice, Thomas Hermmann, term expired.

Wayman F. Smith, Democrat, 6159 Lindell Boulevard, Saint Louis City, Missouri 63112, as a member of the Harris-Stowe State University Board of Regents, for a term ending July 28, 2012, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Christopher S. Stigall, 11101 North Hunter Avenue, Kansas City, Clay County, Missouri 64157, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2009, and until his successor is duly appointed and qualified; vice, RSMo 210.1014.

Richard "Rick" Sullivan, Jr., 10600 Ballantrae Drive, Saint Louis, Saint Louis County, Missouri 63131, as Chief Executive Officer of the Transitional School District of Saint Louis City, for a term ending June 15, 2010, and until his successor is duly appointed and qualified, or the transitional district is dissolved or terminated; vice, RSMo 162.1100.

Respectfully submitted,

MATT BLUNT

Senator Gibbons moved that the above

appointments be returned to Governor per his request, which motion prevailed.

## COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

August 29, 2007

Mrs. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Spieler:

I write to inform you that I have appointed Senator Brad Lager to serve on the Senate Standing Committee on Rules, Jt. Rules, Resolutions and Ethics.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

## INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, Dr. Diana Bourisaw, Superintendent, St. Louis Public Schools.

Senator McKenna introduced to the Senate, Don Johnson, Festus.

Senator Smith introduced to the Senate, Benjamin Singer, Chesterfield.

On motion of Senator Shields, the Senate adjourned until 10:30 a.m., Thursday, August 30, 2007.

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