# Journal of the Senate

SECOND REGULAR SESSION

**SEVENTY-FIRST DAY—WEDNESDAY, MAY 10, 2000**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

There is a story of a young sculptor given a job that another artist could not finish. He followed the plans not knowing exactly what the craving was for. Shortly after completing the work he walked through a beautiful new building and there high on a pillar stood his work. Overcome with its beauty he took off his cap and lowered his head and said: "Thank God I did that job well."

Gracious God, in these last three days we are to finish the work others have brought to our attention. Help us to do our best for You have called us to this service and given us tasks to complete. May we after this session is through look over what we have done and say with the young man: "Thank God I did that job well." And we pray for Senator Mathewson that Your healing power flows through his body and he is quickly brought back to health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

| Present—Senators | | | |
|---|---|---|---|
| Bentley | Bland | Carter | Caskey |
| Childers | Clay | DePasco | Ehlmann |
| Flotron | Goode | Graves | House |
| Howard | Jacob | Johnson | Kenney |
| Kinder | Klarich | Maxwell | Mueller |
| Quick | Rohrbach | Russell | Schneider |
| Scott | Sims | Singleton | Staples |
| Steelman | Stoll | Westfall | Wiggins |
| Yeckel—33 | | | |

Absent with leave—Senator Mathewson—1

The Lieutenant Governor was present.

Senator Wiggins assumed the Chair.

## RESOLUTIONS

Senator Graves offered Senate Resolution No. 1796, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Jenson, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1797, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Crookshanks, Meadville, which was adopted.

Senator Graves offered Senate Resolution No. 1798, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Greg Chamberlain, Rock Port, which was adopted.

Senator Graves offered Senate Resolution No. 1799, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Brown, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1800, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Rogers, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1801, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Garvin Williams, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1802, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Klinginsmith, Laredo, which was adopted.

Senator Graves offered Senate Resolution No. 1803, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jean Puffer, Mercer, which was adopted.

Senator Graves offered Senate Resolution No. 1804, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl V. Keune, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 1805, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Stanley Huston, Bolckow, which was adopted.

Senator Graves offered Senate Resolution No. 1806, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Max Rowlette, Maitland, which was adopted.

Senator Graves offered Senate Resolution No. 1807, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Pierce, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 1808, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Beaird, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1809, regarding Rosanna McAdams, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1810, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Mike Clark, Utica, which was adopted.

Senator Graves offered Senate Resolution No. 1811, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Noel Tipton, which was adopted.

Senator Graves offered Senate Resolution No. 1812, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy E. Harper, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 1813, regarding the Seventy-first Wedding Anniversary of Mr. and Mrs. Louis DeRyke, which was adopted.

Senator Steelman offered Senate Resolution No. 1814, regarding Brad Bouse, Cuba, which was adopted.

## MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1292**, as amended: Representatives Auer, Gunn, Liese, Surface and Elliott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 1053**, entitled:

An Act to amend chapter 590, RSMo, relating to peace officers by adding thereto one new section relating to profiling for traffic stops.

With House Amendment to House Substitute, House Amendment No. 1 to Part 2, House Amendment No. 2 to Part 2, House Amendment No. 1 to Part 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 1053, Page 2, Section 590.650, Line 16, by inserting after the word "citation" the words "and report".

HOUSE AMENDMENT NO. 1
TO PART II

Amend Part II of House Substitute for Senate Bill No. 1053, Page 4, Section 590.650, Line 17, by inserting after all of said line the following:

"**The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, non-combative methods of carrying out law enforcement duties in a racially and culturally diverse environment.**".

HOUSE AMENDMENT NO. 2
TO PART II

Amend Part II of House Substitute for Senate Bill No. 1053, Page 4, Section 590.650, Line 5, by deleting the word "residing" and replacing in lieu thereof the word "traveling".

HOUSE AMENDMENT NO. 1
TO PART III

Amend Part III of House Substitute for Senate Bill No. 1053, Page 4, Section 590.650, Line 24 of said page, by inserting after all of said line the following:

"**590.653. 1. Each county and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.**

**2. The board shall have the power to receive, investigate, make findings and recommend disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations.**"; and

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

In which the concurrence of the Senate is respectfully requested.

**HOUSE BILLS ON THIRD READING**

Senator Quick moved that **HS** for **HCS** for **HJR 61**, with **SCS**, **SA 1** and **SA 7** to **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 7** to **SA 1** was again taken up.

Senator Johnson assumed the Chair.

At the request of Senator Flotron, **SA 7** to **SA 1** was withdrawn.

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

Senator Quick offered **SS** for **SCS** for **HS** for **HCS** for **HJR 61**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 61

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

Senator Quick moved that **SS** for **SCS** for **HS** for **HCS** for **HJR 61** be adopted.

Senators Klarich and Flotron offered **SS** for **SS** for **SCS** for **HS** for **HCS** for **HJR 61**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 61

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

Senator Klarich moved that **SS** for **SS** for **SCS** for **HS** for **HCS** for **HJR 61** be adopted.

Senator Stoll assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 3, Section 18(f), Lines 3-21, by striking all of said lines; and

Further amend said resolution, pages 5-6, lines 16-25 on page 5 and lines 1-9 on page 6, by striking all of said lines.

Senator Jacob moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Flotron, Mueller and Rohrbach.

President Wilson assumed the Chair.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

| | | | |
|---|---|---|---|
| Bentley | Bland | Carter | Clay |
| Jacob | Johnson | Maxwell | Quick |
| Scott | Sims | Singleton | Staples—12 |

NAYS—Senators

| | | | |
|---|---|---|---|
| Caskey | Childers | DePasco | Ehlmann |
| Flotron | Graves | House | Howard |
| Kenney | Kinder | Klarich | Mueller |
| Rohrbach | Russell | Schneider | Steelman |
| Stoll | Westfall | Wiggins | Yeckel—20 |

Absent—Senator Goode—1

Absent with leave—Senator Mathewson—1

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Joint Resolution No. 61, Page 1, In the Title, Line 4, by deleting the words "one new section" and inserting in lieu thereof "two new sections"; and

Further amend said resolution, page 3, section 18(f), lines 3-21, by striking all of said lines; and

Further amend said resolution, pages 5-6, lines 16-25 on page 5 and lines 1-9 on page 6, by striking all of said lines; and

Further amend said resolution, page 7, section D, line 2, by inserting after all of said line the following:

"Section E. Article I, Constitution of Missouri, is amended by adding thereto one new section, to be submitted to the voters as a separate question, to be known as section 25, to read as follows:

"**Section 33. Abortion shall be legal in this state, as consistent with federal law. The state may provide funds for family planning and related services.**".

Senator Jacob moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SA 2** is out of order as the amendment goes beyond the subject matter of the joint resolution.

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

At the request of Senator Quick, **HS** for **HCS** for **HJR 61**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

## CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference

committee appointed to act with a like committee from the House on **HCS** for **SB 944**, as amended, submitted the following conference committee report no. 3:

CONFERENCE COMMITTEE REPORT NO. 3
ON HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 944

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 944, with House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 11, 13, 14 and 15; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 944, as amended;

2. That the Senate recede from its position on Senate Bill No. 944;

3. That the attached Conference Committee Amendment No. 1 be adopted; and

4. That the Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 944 be adopted, as amended by Conference Committee Amendment No. 1.

| FOR THE SENATE: | FOR THE HOUSE: |
|---|---|
| /s/ Harold Caskey | /s/ Phil Smith |
| /s/ Joe Maxwell | /s/ D. J. Davis |
| /s/ Jerry T. Howard | /s/ Kate Hollingsworth |
| /s/ Roseann Bentley | /s/ Emmy McClelland |
| /s/ Morris Westfall | Jewell Patek |

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 944, Page 76, Section 571.030, Lines 21-22 of said page, by striking all of said lines and inserting in lieu thereof the following: "**school board**."; and

Further amend said bill, Page 78, Section 571.030, Line 14 of said page, by striking the period "." on said line and inserting in lieu thereof the following: "**, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.**

**4. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.**"; and

Further amend said bill, Page 78, Section 571.030, Line 15 of said page, by striking the numeral "4." and inserting in lieu thereof the numeral "**5.**"; and

Further amend said bill, Page 78, Section 571.030, Line 25 of said page, by striking the numeral "5." and inserting in lieu thereof the numeral "**6.**"; and

Further amend said bill, Page 79, Section 571.030, Line 17 of said page, by striking the numeral "6." and inserting in lieu thereof the numeral "**7.**".

Senator Caskey moved that the above conference committee report no. 3 be adopted, which motion prevailed by the following vote:

YEAS—Senators

| | | | |
|---|---|---|---|
| Bentley | Bland | Carter | Caskey |
| Childers | Clay | DePasco | Ehlmann |
| Flotron | Goode | Graves | House |
| Howard | Jacob | Johnson | Kenney |
| Kinder | Klarich | Maxwell | Mueller |
| Rohrbach | Russell | Scott | Sims |
| Staples | Steelman | Stoll | Westfall |
| Wiggins | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators

| | | |
|---|---|---|
| Quick | Schneider | Singleton—3 |

Absent with leave—Senator Mathewson—1

On motion of Senator Caskey, **CCS No. 2** for **HCS** for **SB 944**, as amended by the conference committee amendment no. 1, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 944

An Act to repeal sections 475.060 and 475.070, RSMo 1994, and sections 160.261, 160.522, 161.650, 163.031, 165.011, 165.016, 167.020, 167.023, 167.115, 167.117, 167.171, 170.250, 210.865 and 571.030, RSMo Supp. 1999, relating to school safety, and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

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

YEAS—Senators

| | | | |
|---|---|---|---|
| Bentley | Bland | Carter | Caskey |
| Childers | Clay | DePasco | Ehlmann |
| Flotron | Goode | Graves | House |
| Howard | Jacob | Johnson | Kenney |
| Kinder | Klarich | Maxwell | Mueller |
| Rohrbach | Russell | Scott | Sims |
| Staples | Steelman | Stoll | Westfall |
| Wiggins | Yeckel—30 | | |

NAYS—Senators—None

Absent—Senators

| | | |
|---|---|---|
| Quick | Schneider | Singleton—3 |

Absent with leave—Senator Mathewson—1

The President declared the bill passed.

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

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

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

## PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **SB 1053**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

## MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCR 10** and has again taken up and passed **HCR 10**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SJR 50**.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend Senate Joint Resolution No. 50, Page 2, Section 39(a), Line 44, by adding one new subsection: "(9) any club in existence for more than two years shall have no membership requirement.".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SB 961**, as amended, and has taken up and passed **CCS** for **HS** for **SB 961**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **HCS** for **SS** for **SB 813**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1948** and has

taken up and passed **CCS** for **SCS** for **HB 1948**.

## PRIVILEGED MOTIONS

Senator Stoll moved that the Senate refuse to concur in **HA 2** to **SJR 50** and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

## RECESS

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

## MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 763**, entitled:

An Act to repeal section 407.020, RSMo Supp. 1999, relating to telecommunications merchandising practices, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 2 and 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendment Nos. 8 and 9.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 7, Section 407.1079, Line 17, by inserting at the end of said line the following:

"**2. The seller and the telemarketer calling on behalf of the seller may, by written agreement, allocate responsibility between themselves for the record keeping required by this section. When a seller and telemarketer have entered into such an agreement, the terms of the agreement shall govern, and the seller or telemarketer, as the case may be, need not keep records that duplicate those of the other. If the agreement is unclear as to who must maintain any required record, or if no such agreement exists, the seller shall be responsible for complying with subdivisions (1), (2), (3) and (5) of subsection 1 of this section and the telemarketer shall be responsible for complying with subdivision (4) of subsection 1 of this section.**"; and further amend said section by renumbering the remaining subsection accordingly

Further amend said bill, Section 407.1076, Page 6, Lines 51-53 of said page, by deleting all of said lines and insert in lieu thereof the following:

"**(10) Knowingly provide assistance or support to any telemarketer when that person knows or consciously avoids knowing that the telemarketer is engaged in any act in violation of section 407.1070 to 407.1085.**".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 4, Subsection 5, Lines 14-16, by striking the following:

"**and that if such consumer wishes to discontinue such call, such consumer should hang up immediately.**".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 24, by deleting the word: "**or**"; and

Further amend said bill, Page 10, Section 407.1095, Line 11, by inserting after the word "include" the following: "**such**"; and

Further amend said bill, Page 10, Section 407.1095, Line 24, by inserting after the word "**list**" the following: "**; or**

**(e) any natural person who makes less than one hundred of such communications per week to residential subscribers, this exception shall not apply to any natural person employed by an entity which has telemarketing as defined in section 407.1070 RSMo as it's principal**

**business**"; and

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

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

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1101, Line 1, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 3, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 5, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 8, by deleting the following: "**attorney general's**" and inserting in lieu thereof the following: "**secretary of state's**"; and

Further amend said bill, page and section, Line 12, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 11, Section 407.1101, Line 26, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 33, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 37, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill and page, section 407.1104, Line 1, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 2, by deleting the following: "**Attorney General's**" and inserting in lieu thereof the following: "**Secretary of State's**"; and

Further amend said bill, page and section, Line 4, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 12, section 407.1104, Line 13, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 17, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 20, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 21, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 13, Section 407.1104, Line 45, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, Page 14, Section 407.1113, Line 1, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 5, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 7, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 8, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line

9, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 11, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**"; and

Further amend said bill, page and section, Line 12, by deleting the following: "**attorney general**" and inserting in lieu thereof the following: "**secretary of state**".;

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 11, Section 407.1104, Line 1, by deleting all of such section.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 10, Section 407.1095, Line 19, by inserting after the word "**established**" the following: "**, provided that a bona fide member of such exempt organization makes the voice communication**"; and

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

In which the concurrence of the Senate is respectfully requested.

## PRIVILEGED MOTIONS

Senator Howard moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 763**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 813**, as amended: Senators House, Clay, Stoll, Steelman and Klarich.

## HOUSE BILLS ON THIRD READING

**HS** for **HCS** for **HBs 1566** and **1810**, with **SCS**, entitled:

An Act to repeal sections 135.408, 135.411 and 135.423, RSMo 1994, sections 135.400, 135.403, 135.530, 348.300, 348.302 and 620.1450, RSMo Supp. 1999, and both versions of section 135.535 as they appear in RSMo Supp. 1999, relating to tax relief in distressed communities, and to enact in lieu thereof ten new sections relating to the same subject, with an emergency clause.

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

**SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1566 and 1810

An Act to repeal sections 135.355, 135.408, 135.411, 135.423, 135.429, 178.892, 348.304, 348.306, 348.308, 348.310, 348.312, 348.316, 348.318, 620.470 and 620.474, RSMo 1994, sections 32.105, 32.110, 67.1401, 67.1411, 67.1421, 67.1431, 67.1441, 67.1461, 67.1471, 67.1491, 67.1521, 67.1531, 67.1551, 135.400, 135.403, 135.405, 135.430, 135.478, 135.484, 135.545, 135.766, 260.285, 348.300, 348.302, 447.708, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1560, RSMo Supp. 1999, sections 135.200 and 135.535, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, ninetieth general assembly, first regular session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary

session, relating to tax relief in distressed communities, and to tax credit programs administered by the department of economic development, and to enact in lieu thereof forty-two new sections relating to the same subject, with an effective date and an emergency clause for a certain section.

Was taken up.

Senator Scott moved that **SCS** for **HS** for **HCS** for **HBs 1566** and **1810** be adopted.

Senator Scott offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1566 and 1810

An Act to repeal sections 71.794, 135.355, 135.408, 135.411, 135.423, 178.892, 620.017, 620.470 and 620.474, RSMo 1994, sections 32.105, 32.110, 67.1401, 67.1461, 135.400, 135.403, 135.430, 135.481, 135.484, 135.766, 260.285, 348.300, 348.302, 348.430, 348.432, 447.708, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1560, RSMo Supp. 1999, sections 135.200 and 135.535, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, ninetieth general assembly, first regular session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an effective date and an emergency clause for certain sections.

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 16, Section 67.1461, Line 18 of said page, by inserting after the word "county" the following: "**, to**".

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

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.766, Line 15, by inserting immediately after said line the following:

"149.071. **1.** Any person who shall, without the authorization of the director of revenue, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, restore, or process any stamp, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by this chapter, or who shall knowingly or by a deceptive act use or pass, or tender as true, or affix, impress, or imprint, by use of any device, rubber stamp or by any other means, or any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamp, impressions, copies, facsimilies or other evidence of cigarette tax payment, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment by the state department of corrections and human resources for a term of not less than two years nor more than five years.

**2. It shall be unlawful for any person:**

**(1) To sell or distribute in this state; to acquire, hold, own, possess or transport for sale**

**or distribution in this state; or to import or cause to be imported into this state for sale or distribution in this state:**

**(a) Any cigarettes the package of which:**

**a. Bears any statement, label, stamp, sticker or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed or used in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax-Exempt", "For Use Outside U.S." or similar wording; or**

**b. Does not comply with:**

**(i) All requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged or imported for sale, distribution or use in the United States, including but not limited to the precise warning labels specified in the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1333; and**

**(ii) All federal trademark and copyright laws;**

**(b) Any cigarettes imported into the United States in violation of 26 U.S.C. Section 5754, or any other federal law or implementing federal regulations;**

**(c) Any cigarettes that such person otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed or used in the United States; or**

**(d) Any cigarettes for which there has not been submitted to the Secretary of the U.S. Department of Health and Human Services the list or lists of the ingredients added to tobacco in the manufacture of such cigarettes as required by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1335a;**

**(2) To alter the package of any cigarettes prior to sale or distribution to the ultimate consumer so as to remove, conceal or obscure:**

**(a) Any statement, label, stamp, sticker or notice described in subparagraph a. of paragraph (a) of subdivision (1) of this subsection;**

**(b) Any health warning that is not specified in or does not conform with the requirements of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. Section 1333; or**

**(3) To affix any tax stamp to the package of any cigarettes described in subsection 1 of this section or altered in violation of this subsection.**

**3. On the first business day of each month, each person licensed to affix the state tax stamp to cigarettes shall file with the department for all cigarettes imported into the United States to which such person has affixed the tax stamp in the preceding month:**

**(1) A copy of:**

**(a) The permit issued pursuant to the Internal Revenue Code, 26 U.S.C. Section 5713, to the person importing such cigarettes into the United States allowing such person to import such cigarettes; and**

**(b) The customs form containing, with respect to such cigarettes, the internal revenue tax information required by the U.S. Bureau of Alcohol, Tobacco and Firearms;**

**(2) A statement signed by such person under penalty of perjury which shall be treated as confidential by the commissioner and exempt from disclosure pursuant to chapter 610, RSMo, identifying the brand and brand styles of all such cigarettes, the quantity of each brand style of such cigarettes, the supplier of such cigarettes and the person or persons, if any, to whom such cigarettes have been conveyed for resale, and a separate statement signed by such person under penalty of perjury, which shall not be treated as confidential or exempt from disclosure, separately identifying the brands and brand styles of such cigarettes;**

**(3) A statement signed by an officer of the manufacturer or importer under penalty of perjury certifying that the manufacturer or importer has complied with:**

**(a) The package health warning and ingredient reporting requirements of the Federal Cigarette Labeling and Advertising Act,**

**15 U.S.C. Sections 1333 and 1335a, with respect to such cigarettes; and**

**(b) Sections 196.1000 and 196.1003, RSMo, including a statement indicating whether the manufacturer is or is not a participating tobacco manufacturer within the meaning of sections 196.1000 and 196.1003, RSMo.**

**4. Any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section is guilty of a class D felony.**

**5. The department of revenue may suspend or revoke a wholesale license of any person who sells or holds for sale cigarette packages to which is affixed a tax stamp in violation of this section and impose a civil penalty in an amount not to exceed the greater of five hundred percent of the retail value of the cigarettes involved or five thousand dollars.**

**6. Cigarettes that are acquired, held, owned, possessed, transported in, imported into, or sold or distributed in this state in violation of this section shall be subject to seizure and forfeiture, with all such cigarettes so seized and forfeited destroyed. Such cigarettes shall be deemed contraband whether the violation of this section is knowing or otherwise.**

**7. A violation of this section is a deceptive act or practice pursuant to this section. In addition to any other remedy provided by this section or other law, any person may bring an action for:**

**(1) Appropriate injunctive or other equitable relief;**

**(2) Actual damages, if any, sustained by reason of a violation of this section; and**

**(3) As determined by the court, interest on such damages from the date of the complaint, taxable costs and reasonable attorney's fees.**

**If the trier of fact finds that the violation is egregious, the judgment may be increased to an amount not in excess of three times the actual damages sustained by reason of such violation.**

**8. The provisions of this section shall not apply to:**

**(1) Cigarettes allowed to be imported or brought into the United States for personal use; and**

**(2) Cigarettes sold or intended to be sold as duty-free merchandise by a duty-free sales enterprise in accordance with 19 U.S.C. Section 1555(b) and any implementing regulations; provided, however, that this section shall apply to any such cigarettes that are brought back into the customs territory for resale within the customs territory.**

**9. For the purposes of this section, the term "importer" means importer as such term is defined in 26 U.S.C. Section 5702(1).**

**10. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section or the application of the provision to other persons or circumstances shall not be affected.**"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 2** 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 Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 11, Section 32.110, Line 5, by inserting immediately after said line the following:

"**67.478. Sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493 shall be known and may be cited as the "Community Comeback Act".**

**67.481. As used in sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, the following terms mean:**

**(1) "Community comeback plan" and**

**"plan", a comprehensive countywide plan adopted by the community comeback trust board and the governing body of the county that identifies potential areas for reinvestment, projects and strategies to promote neighborhood reinvestment throughout the county, and that clearly identifies on a map the priority comeback communities. The plan shall be a five-year strategic and operating plan, complete with goals, objectives, targets and mechanisms or methods of measuring accomplishments, revised annually;**

**(2) "Community comeback trust program" or "program", projects and strategies to promote neighborhood reinvestment through out the county including the creation of a community comeback trust board and a community comeback trust fund;**

**(3) "Community comeback trust fund" and "trust fund", a fund held in the treasury of the county which shall be the repository for all taxes and other moneys raised pursuant to sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, and authorized by the governing body of the county for the purposes of promoting neighborhood reinvestment;**

**(4) "Community comeback trust board" and "board", the entity established pursuant to sections 67.478 to 67.493 that is responsible for administering the comeback community program trust fund and community comeback trust program;**

**(5) "Community comeback trust citizen advisory committee" and "advisory committee", an eleven-member committee established pursuant to sections 67.478 to 67.493 that is responsible for advising the community comeback fund board on the best methods of promoting neighborhood reinvestment;**

**(6) "Eligible expenses", costs qualified for funding from the community comeback trust fund which are:**

**(a) Incurred for the purchase, assembly, clearance, demolition and environmental remediation of land, structures and facilities, public or private, either as part of a neighborhood reinvestment project or to prepare sites for future use in areas with underutilized, derelict, economically challenged or environmentally troubled sites;**

**(b) Related to planning, redesign, clearance, reconstruction, structure rehabilitation, site remediation, construction, modification, expansion, remodeling, structural alteration, replacement or renovation of any structure in a priority comeback community;**

**(c) Expended for capital improvements or infrastructure improvements to facilitate economic development;**

**(d) Expended for residential redevelopment including, but not limited to, buyouts, land-assembly costs, infrastructure improvements and costs associated with preparing sites for housing construction; professional service expenses such as architectural, planning, engineering, design, marketing or other related expenses;**

**(e) Related to community improvement district or special business district expenses such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches and other public improvements;**

**(f) Expenses related to facilitating transit-oriented developments, home improvement and home buyer loan programs; and**

**(g) Expenses eligible for funding through the select neighborhood action program;**

**(7) "Neighborhood reinvestment project" and "project", the planning, development, redesign, clearance, reconstruction or rehabilitation or any combination thereof in order to improve those residential, commercial, industrial, public or other structures or spaces and the infrastructure serving them as may be appropriate or necessary in the interest of the general welfare;**

**(8) "Petition", a petitioner's request for funding made to the community comeback trust board;**

**(9) "Petitioner", the governing body of any**

**municipality, the governing body of the county, any land clearance for redevelopment authority within the county organized pursuant to chapter 99, RSMo, or any not-for-profit economic development organization with a governing board with at least two thirds of the members of such board appointed by the chief elected official of the county or by one or more organizations with governing boards which are appointed by such chief elected official;**

**(10) "Priority comeback community", an area in a county which encompasses an entire United States census block group and has a median household income below the median household income for such entire county;**

**(11) "Priority comeback project", a funding proposal submitted to a community comeback trust board by a petitioner whose area is substantially within a priority comeback community;**

**(12) "Proposal", a petitioner's funding request for the eligible expenses of a neighborhood reinvestment project submitted to a community comeback trust board by a petitioner;**

**(13) "Select neighborhood action program" and "SNAP", a grant program, administered and funded pursuant to subsection 5 of section 67.490;**

**(14) "Select neighborhood action program applicant" and "SNAP applicant", a neighborhood organization or not-for-profit organization whose mission is consistent with the community comeback plan. The organization shall have a municipal sponsor or a county sponsor if the area is unincorporated. The organization shall have been in existence for at least six months and meet at least once a year in order to be eligible for a SNAP grant;**

**(15) "SNAP grant", an endowment of money by the board to a SNAP applicant pursuant to subsection 5 of section 67.490.**

**67.484. 1. A community comeback trust program may be created, incorporated and managed pursuant to this section by any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants according to the last decennial census, and may exercise the powers given to such board pursuant to sections 67.478 to 67.493. The board may sue and be sued, issue general revenue bonds and receive county use tax revenue pursuant to the limitations of this section. The board shall have as its primary duties the prevention of neighborhood decline, the demolition of old deteriorating and vacant buildings, rehabilitating historic structures, the cleaning of polluted sites and the promotion of neighborhood reinvestment where such investment is essential to reverse or stabilize a stagnant or declining pattern in household income, assessed values, occupancies and related characteristics.**

**2. The governing body of the county is hereby authorized to impose by ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the purpose of funding the creation, operation and maintenance of a community comeback trust program, as well as to provide revenue to the county and municipalities authorized to receive moneys generated by said tax pursuant to section 144.759, RSMo. The governing body of the county enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The question shall be submitted to the voters in the county pursuant to section 144.757, RSMo.**

**3. (1) The community comeback trust board shall be composed of seven members as provided in this subsection. No member shall be an elected official, employee or contractor of the county or any municipality within the county or of any organization representing the county or any municipality within the county. Board members shall be citizens of the United States and shall reside within the county. No two members of the board shall be residents of the same county council district of such county. No member shall receive compensation for**

**performance of board duties. No member shall be financially interested directly or indirectly in any contract entered into by the board or by any petitioner. In the event that any property owned by a board member or the immediate family member of such board member is located in a priority comeback community, the member shall disclose such information to the board and abstain from any formal or informal actions regarding any project in that neighborhood.**

**(2) The chief elected official of any municipality wholly within the county and any member of the governing body of the county shall nominate individuals to serve on the board by providing a list of nominees to the county executive who shall appoint the members. Of the total members, at least four shall be residents of municipalities within the county and at least one shall have each of the following professions: a professional architect or engineer; an urban planner or design professional; a developer or builder; and an accountant or an attorney.**

**(3) The seat of a board member shall be automatically vacated when the board member changes his or her residence so as to no longer conform to the terms of the requirements of the board member's appointment. The board shall promptly notify the county executive of such a change of residence, the pending expiration of any board member's term, any board member's need to vacate his or her seat or any vacancy on the board. A board member whose term has expired shall continue to serve until the successor is appointed and qualified.**

**(4) Upon the passage of an ordinance by the governing body of the county establishing the community comeback trust program, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected officials of each municipality wholly in the county.**

**(5) Each of the nominating authorities described in subdivision (2) of this subsection shall, within forty-five days of the passage of the ordinance establishing the program or within fourteen days of being notified of a board vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the ordinance or within thirty days of being notified by the board of a vacancy on the board. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section.**

**(6) At the first meeting of the board appointed after the effective date of the ordinance, the members shall choose by lot the length of their terms. Three shall serve for one year, two for two years, and two for three years. All succeeding members shall serve terms of three years. Terms shall end on December thirty-first of the respective year. No member shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.**

**4. The board, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo. The board shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 67.478 to 67.493, and not inconsistent therewith, no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail, electronic mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any proposal pending before the board without the agreement of the petitioner. The board shall have the exclusive control of the expenditures of all money collected to the credit of the trust fund, subject to annual appropriations by the governing body of the county. The county government shall provide the program staff. No more than five percent of the program's annual budget shall be used for the program's annual administrative**

**expenses.**

**5. The board is authorized to issue bonds, notes or other obligations for any proposal, and to refund such bonds, notes or obligations, as provided in subsection 3 of this section; and to receive and liquidate property, both real and personal, or money which has been granted, donated, devised or bequeathed to the district. The trust shall not have any power of eminent domain.**

**6. (1) Bonds issued pursuant to this section shall be issued pursuant to a resolution adopted by five-sevenths of the board which shall set out the estimated cost of the proposed improvements, and shall further set out the amount of the bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection with such bonds. Any such bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.**

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

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

**(4) Bonds issued by the board shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the trust fund, including revenues derived from use taxes. Neither the board members nor any person executing the bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to this section shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets managed by the board to the credit of the trust fund. The issuance of bonds pursuant to this section shall not directly, indirectly or contingently obligate this state or any political subdivision of this state to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the board shall not be obligated to pay such bond nor interest on such bond except from the revenues received by the board or assets of trust lawfully pledged for such trust fund, and that neither the faith or credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions as the board may provide in the resolution authorizing the issuance of such bonds.**

**(5) The board may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities or land to be acquired, leased or subleased by the board, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the**

**accrued interest on such bonds to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.**

**(6) In the event that any of the members or officers of the board whose names appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of such bonds, such signatures shall remain valid and sufficient for all purposes, the same as if such board members or officers had remained in office until such delivery.**

**(7) The board is hereby declared to be performing a public function and bonds of the board are declared to be issued for an essential public and governmental purpose, and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by this state. All purchases in excess of ten thousand dollars shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.**

**67.487. 1. Within fourteen days of the first meeting of the first board appointed following the effective date of the ordinance, the board shall notify by mail the chief elected officials of all municipalities wholly within the county, the chief elected official of the county and all the members of the governing body of the county of the requirement to conduct a planning process and adopt a community comeback plan.**

**2. The board shall solicit full citizen, county and municipal involvement in developing the plan. The board shall conduct public hearings throughout the county to seek input regarding the plan, and may convene meetings with the appropriate staff of the county and municipalities in order to seek input and to coordinate the logistics of producing the plan. A copy of the plan shall be sent to the chief elected official of every municipality wholly within the county, the chief elected official of the county and each member of the governing body of the county.**

**3. The board and the governing body of the county shall annually revise and adopt a plan.**

**4. Each plan shall include a map of the county, as well as a text enumerating the efforts expected each year in the various subregions of the county. Each plan shall address the factors that are causing or are likely to cause one or more of the following:**

**(1) Assessed values below the county average;**

**(2) Median household incomes below the county median;**

**(3) An unemployment rate above the county average;**

**(4) A reduction in the number of jobs with an emphasis upon those jobs paying average or above average salaries;**

**(5) Failure to keep pace with the average growth rate in home values in the metropolitan area or county; and**

**(6) A high vacancy rate among residential, commercial and industrial properties.**

**5. Each plan shall include an analysis of the condition of the housing stock in the various subregions of the county, a market analysis of the home-buying market with a focus on the impediments to attracting home buyers to those subregions and an analysis of the physical infrastructure needs that prevent economic growth.**

**6. The board may consider the following factors when determining the appropriate areas and strategies for investment:**

**(1) Buildings that are unsafe or unhealthy for occupancy due to code violations, dilapidation, defective design, faulty utilities or**

**any other negative conditions;**

**(2) Factors that prevent or substantially hinder the economically viable use of buildings or lots, such as substandard design, inadequate size, lack of parking or any other conditions;**

**(3) Incompatible uses that prevent economic development;**

**(4) Subdivided lots of irregular form and shape and inadequate size for proper usefulness that have multiple ownership;**

**(5) Depreciated or stagnant property values, including properties that contain hazardous wastes;**

**(6) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by utilities;**

**(7) The existence of conditions that are not conducive to public safety; and**

**(8) The lack of necessary commercial facilities normally found in neighborhoods.**

**7. Each plan shall outline specific strategies to address the problems facing the various subregions and neighborhoods within the county. The plan shall also discuss the partnerships that can be made with federal, state and local governments, as well as businesses, labor organizations, nonprofit groups, religious and other groups and citizens to help implement the plan. These strategies shall include estimated costs and time lines for completion.**

**8. The board shall produce an annual report focusing on the accomplishments of the program relative to the goals set forth in the plan, the goals for the next year and the challenges facing the board. The annual report shall be given to the chief elected officials of all the municipalities wholly within the county, the chief elected official of the county, the members of the governing board of the county and the public libraries within the county, and shall be posted on the county Internet web site.**

**9. Every year, the board shall commission an independent financial audit, the report of which shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section.**

**10. Every five years, the board shall commission an independent management audit. The management audit shall include a comprehensive analysis of development trends, factors and practices along with specific recommendations to improve the board's ability to achieve its mission. The management audit shall be reviewed by the advisory committee which may offer constructive advice on enhancing practices in order to achieve the goals of the program. The management audit shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section. The board is authorized to take any necessary and proper steps to address the issues and recommendations contained within the management audit.**

**11. (1) The board shall establish an eleven member advisory committee that shall meet four times each year and shall advise petitioners, staff and the board. The advisory committee members shall be appointed by the county executive. At least six of the advisory committee's members shall be nominated by a not-for-profit organization which is primarily concerned with the affairs of the local governments within the county and at least three shall be nominated by the members of the governing body of the county. No advisory committee member shall receive compensation for performance of duties as a committee member.**

**(2) At least one of the advisory committee members shall be a university professor well-versed in regional development issues. At least two of the advisory committee members shall be municipal officials from communities that have undertaken redevelopment programs as part of larger planning efforts. At least one of the advisory committee members shall be an attorney with experience in redevelopment activities. At least two of the advisory committee**

**members shall be residents of priority comeback communities who have been active in advocating effective redevelopment policies. At least one of the advisory committee members shall be a private professional familiar with the factors influencing business location decisions. At least one of the advisory committee members shall be an individual familiar with education and training practices and workforce needs, with an understanding of how labor availability impacts business location decisions. At least one of the advisory committee members shall be a planner from the private sector knowledgeable in the area of strategic planning and the principles of multiyear rolling plans.**

**(3) The advisory committee shall promptly notify the county executive of the pending expiration of any member's term or any vacancy on the advisory committee. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified.**

**(4) The board shall establish the advisory committee by resolution at the board's first meeting. The board shall, within ten days of the passage of the resolution establishing the advisory committee, send by United States mail written notice of the passage of the resolution to a not-for-profit organization which is primarily concerned with the affairs of the local governments and the members of the governing body of the county. The not-for-profit organization which is primarily concerned with the affairs of the local governments and the members of the governing board of the county shall, within forty-five days of the passage of the resolution establishing the advisory committee or within fourteen days of being notified of a vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the resolution or within thirty days of being notified by the committee of a vacancy on the advisory committee. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section before the sixtieth day from the passage of the resolution or before the thirtieth day from being notified of a vacancy on the existing advisory committee.**

**(5) At the advisory committee's first meeting, the members shall choose by lot the length of their terms. Two shall serve for one year, three for two years, three for three years and three for four years. All succeeding committee members shall serve for four years. Terms shall end on December thirty-first of the respective year.**

**(6) The committee members shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo.**

**67.490. 1. The board shall in a timely manner adopt rules setting forth basic guidelines for acceptance and evaluation of petitions, including a common understandable format, as well as appropriate supporting material, maps, plans and data. The board shall begin to accept petitions one month after the adoption of the plan by the governing body of the county pursuant to section 67.487. The board shall review all petitions submitted by any petitioner. Review shall begin no later than thirty days after submission of the petition to the commission. In order to qualify as a proposal, a petition shall address the criteria set forth in subsection 4 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the board which has not yet been approved by the board.**

**2. When practical, a petition shall be initially submitted to the advisory committee for constructive review and comment in a manner likely to result in a proposal that addresses a strategy outlined in the plan.**

**3. The board shall hold a public hearing concerning the petition, which may be on the same day as a scheduled meeting of the board.**

**4. (1) In reviewing any petition for funding, the board shall first determine if funds are sought for eligible expenses for a neighborhood reinvestment project. If the petition seeks such**

**funds, the board shall certify such petition as a proposal subject to further review unless the board finds that the petition seeks funds for expenses that do not qualify as eligible expenses, or seeks funds for an endeavor other than a neighborhood reinvestment project. If the board finds that funds are sought for ineligible expenses or for an ineligible endeavor, the board need not take any further action and shall notify the petitioner in writing of all deficiencies that prevent the petition from being a proposal. If the board determines that there is a minor error or discrepancy in a petition, the board, with the petitioner's concurrence, may make such changes to the petition as are necessary to rectify the error that prevents the petition from being certified as a proposal subject to further review. Within six months of certification of a petition as a proposal, the board shall issue a finding approving or disapproving such proposal. In disapproving any proposal, the board shall issue a document indicating the reasons that the proposal was disapproved.**

**(2) If the board determines that a proposal is a priority comeback project consistent with the strategies and priorities set forth in the community comeback plan and that the project is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, then the board shall award funding. If the board determines that a proposal is a priority comeback project, but is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:**

**(a) Reducing or removing impediments to attracting home buyers;**

**(b) Providing the necessary physical infrastructure needed to promote significant job growth;**

**(c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.**

**(3) If the board determines that a proposal, which is not a priority comeback project, is consistent with the strategies and priorities set forth in the community comeback plan and is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, the board may award funding if the board adds such proposal to the plan. If the board determines that a proposal, which is not a priority comeback project, is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:**

**(a) Reducing or removing impediments to attracting home buyers;**

**(b) Providing the necessary physical infrastructure needed to promote significant job growth;**

**(c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.**

**(4) The board, the advisory committee and the staff of both may advise petitioners on issues related to petitions or proposals. The board may meet informally, subject to the requirements of chapter 610, RSMo, with representatives of potential petitioners with regard to future petitions and plans.**

**5. The board shall establish a select neighborhood action program. SNAP applicants shall provide a ten-percent cash or in-kind match to be eligible for a SNAP grant. Project categories eligible for SNAP grant funding shall be:**

**(1) Neighborhood beautification projects which enhance the appearance of the overall neighborhood. Such projects include, but are not limited to, tree and flower plantings,**

**cleanups, entranceway landscaping, community gardens, public art and neighborhood identification signs/banners;**

**(2) Neighborhood organization or capacity projects which create or increase membership in a neighborhood organization promoting community betterment. Such projects include, but are not limited to, neighborhood newsletters, neighborhood marketing brochures, neighborhood meetings and special events, and technology such as web site development;**

**(3) Neighborhood-school partnership projects which benefit a school and the adjacent neighborhood. Involvement of both the school and the neighborhood in planning, implementation and maintenance must be substantiated. Partnership projects include, but are not limited to, youth and community programs that promote safety, culture or the environment and that are beneficial to both the school and the neighborhood;**

**(4) Capital purchase projects which include the acquisition of equipment or property. Such projects include, but are not limited to, land acquisition, playground equipment, bicycle racks and major supplies;**

**(5) Neighborhood improvement projects which benefit the local infrastructure in a neighborhood, and include construction of sidewalks or installation of street lights.**

**6. Project categories ineligible for SNAP grant funding shall be:**

**(1) Projects accomplished in more than twelve months;**

**(2) Projects that duplicate existing private or public programs;**

**(3) Projects that require ongoing services, or requests to support continual operating budgets; and**

**(4) Projects that conflict with the community comeback plan.**

**7. When making SNAP grant funding decisions, the board shall consider the level of neighborhood participation including the percentage of residents who are involved in planning and implementing the idea, the diversity of parties involved or that will benefit, and the amount of neighborhood opposition; the community benefit of the project, including the number of people who will benefit from the project and the overall quality of the project.**

**67.493. Of the funds available to the board, a minimum of five percent of the funds, not to exceed an unallocated balance of five hundred thousand dollars rolled over from the previous fiscal year, shall be set aside annually for the SNAP grant program. Of the remaining funds seventy-five percent calculated on a rolling three-year average shall be set aside for priority comeback projects. The balance of the funds shall be used to indirectly or directly benefit priority comeback communities or residents of those areas by utilizing such funds to:**

**(1) Promote job preparation and job creation in areas easily accessed by residents of priority comeback communities;**

**(2) Improve neighborhoods adjacent to priority comeback communities that are unlikely to be improved without such funding; and**

**(3) Abate through low-interest home improvement loan programs or similar mechanisms the functional or marketable obsolescence of any owner-occupied residential structure over twenty-five years old which is located within a census block group below one hundred ten percent of the median income level for the metropolitan statistical area for this state; provided that, there is a significant threat of economic decline within the area without intervention by the program.**"; and

Further amend said bill, page 27, section 71.794, line 96, by inserting immediately after said line the following:

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

(1) "Blighted area", an area which, by reason of the predominance of defective or inadequate

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

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

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

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

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

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

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

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

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

a redevelopment area designated by ordinance adopted after December 23, 1997;

**(7) "High unemployment", exists when unemployment in the proposed redevelopment area is at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of nonmetropolitan counties if the area is not located in a metropolitan statistical area;**

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

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

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

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

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

**(13) "Poverty", either a Missouri municipality within a metropolitan statistical area which has a population of at least fifteen hundred and median household income of under eighty percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under eighty percent of the median household income for the metropolitan area in Missouri, according to the last decennial census;**

**(14) "Public subsidy", any combination of public grants or loans, tax abatements, tax credits, industrial revenue bonds, tax increment financing, or other instruments having similar economic effect which are made available to the developer for the direct benefit of the redevelopment project from actual or potential tax revenues from any taxing district. Subsidies do not include fees for service generated from the redevelopment project, such as parking receipts. Public subsidy shall not include state or federal tax credits, fees for service, such as parking receipts, or incidental rental income generated from the public work or improvement project, or the revenue bonds supported in whole or in part by such fees for service or incidental rental income;**

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

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

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

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

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

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

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

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

(e) Initial costs for an economic development area;

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

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

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

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

(j) Payments in lieu of taxes;

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

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

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

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

**99.866. The provisions of sections 99.866 to 99.872 shall apply to any city not within a county, any county of the first classification with a population of more than nine hundred**

**thousand, any county of the first classification with a population of more than one hundred seventy thousand and less than two hundred five thousand, any county of the third classification with a population of more than nineteen thousand five hundred and less than twenty thousand, any county of the first classification with a charter form of government and a population of less than two hundred fifty thousand and any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand.**

**99.867. 1. The municipality or census block group or groups and any proposed redevelopment area shall meet the requirements of section 99.810 and this section, except for subdivision (5) of subsection 1 of section 99.810, which is superseded by section 99.868. An area can qualify if:**

**(1) The host municipality or unincorporated area has low fiscal capacity; or**

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

**(3) The host municipality, census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area are characterized by poverty; and**

**(4) Except in a federal enterprise zone or a federal empowerment zone area, or a municipality, census block group or groups with a median household income less than seventy percent of that of the metropolitan area, the assessed valuation, reduced by the percentage of increase in the consumer price index as reported by the United States Department of Labor, of the parcels included in the proposed redevelopment area, taken together, has not increased in the three most recent reassessment periods; and**

**(5) The area meets at least one of the following:**

**(a) There is a pattern of business failures over the last three years, as demonstrated by foreclosures, denied loans, loan defaults, or equivalent statistical documentation; or**

**(b) Less than seventy-five percent of the square footage of an existing facility is being used at the time the application is made; or**

**(c) There is a pattern of neighborhood decline demonstrated by mortgage delinquencies, denied mortgage loans or equivalent statistical documentation for residential properties within the proposed area over the last three years; or**

**(d) The project is to expand or upgrade an existing nonretail business in place without a change in existing predominant land use; or**

**(e) The project is to redevelop in place an existing retail or commercial property that is at least fifty percent vacant.**

**2. No more than fifty percent of the costs of a redevelopment project may be allocated or expended for retail development unless:**

**(1) The redevelopment is in a municipality, census block group or group of block groups with a median household income less than seventy percent of that of the metropolitan area, a distressed community as defined in section 135.530, RSMo, a federal enterprise zone or a federal empowerment zone; or**

**(2) At least fifty percent of the residents living within a one-quarter mile radius of the boundary of the proposed district are living in poverty, as defined in section 99.805; or**

**(3) The development project is to redevelop in place an existing retail property that is at least fifty percent vacant.**

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

**99.868. 1. The developer shall submit its proposed redevelopment plan to the governing body and the department of economic development. The department shall develop and apply a standard methodology to conduct a cost-benefit analysis of the impact of each redevelopment project on the entire area defined by section 99.866 which includes, at a minimum, an assessment of the following:**

**(1) Fiscal impacts on all affected taxing jurisdictions;**

**(2) Net new job growth;**

**(3) Accessibility of employment opportunities for residents of the host municipality;**

**(4) Wages associated with net new jobs;**

**(5) Effect on the viability of nearby land uses;**

**(6) Impact on community cohesiveness and diversity;**

**(7) Environmental impacts such as air, soil and water; and**

**(8) Sustainability of the revenue stream for affected municipalities.**

**2. The department shall prepare a cost-benefit analysis of the proposed redevelopment project and shall submit it to the developer, the host municipality and surrounding municipalities within ninety days unless the department and the developer agree to a different timetable. The department shall charge the developer a fee set in an amount not to exceed the department's cost for conducting the cost-benefit analysis. The analysis shall be available to the public at a location within the host municipality for at least thirty days before the municipality makes a decision on the proposal.**

**99.869. Any affected person may file an action in the circuit court of jurisdiction to challenge any decision of the tax increment financing commission or the governing body within sixty days of such decision. This action will be limited to certifying whether the redevelopment project meets the eligibility requirements set forth in sections 99.867, 99.868 and 99.872.**

**99.872. 1. The maximum amount of public subsidy for projects approved pursuant to sections 99.805 to 99.869 shall be thirty percent of the total project costs, except that:**

**(1) If the area meets two of the three criteria established in subdivisions (1) to (3) of subsection 1 of section 99.867, or if the area is a federal enterprise zone or a federal empowerment zone, or a municipality, census block group or group of block groups where the median household income is less than seventy percent of the median household income of the metropolitan area, the public subsidy may be fifty percent of the project costs; or**

**(2) If at least twenty percent of the project costs are to improve, increase or preserve affordable housing or manufacturing in the area, a public subsidy may provide fifty percent of the project costs.**

**2. The municipality and the developer shall annually submit information to the department regarding an approved plan for as long as the plan is in effect. The department shall establish reporting requirements by rule promulgated pursuant to chapter 536, RSMo. The department shall submit a report to the governor and the general assembly by the last day of April of each year. The report shall, at a minimum, identify the number and location of redevelopment areas, quantify public investment in each, and assess the public benefit derived from the redevelopment area using the criteria set out in section 99.868.**"; and

Further amend said bill, page 57, section 135.766, line 16, by inserting immediately after said line the following:

"144.757. 1. Any county or municipality, except municipalities within a county of the first classification 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 [the authority granted by the provisions of this act] **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 prior to August 7, 1996, or after December 31, 1996, a proposal to authorize the governing body of the county or municipality to impose a local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. Municipalities within a county of the first classification 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 of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

[Shall the county governing body be authorized to impose a local use tax which is equal to the total of the existing county sales tax of one percent and the existing county transportation sales taxes of three-quarters of one percent, provided that if any county 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.] **For the purposes of preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county) Community Comeback Trust Program; and for the purposes of enhancing local government services; shall the county governing body 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 the voter approval, the local use tax rate shall also be repealed, reduced or raised by the same action? The Community Comeback Program shall be required to submit to the public a comprehensive financial report detailing the management and use of funds each year. A use tax is the equivalent of a sales tax on purchases from out-of-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 of the first classification 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 [under the provisions of this act] **pursuant to sections 144.757 to 144.761** 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 [under] **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 and sections 67.478 to 67.493, RSMo, 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 [under this act] **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 [this act] **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 of the first classification 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 [levied pursuant to section 94.660, RSMo,] **in effect for such county** shall be disbursed to the [bi-state agency authorized pursuant to sections 70.370 to 70.441, RSMo, to be used only to provide the local share of construction costs for additional light rail lines] **county community comeback trust fund authorized pursuant to sections 67.478 to 67.493, RSMo**. 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 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 [this act] **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 [under this act] **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.

144.761. 1. No county or municipality imposing a local use tax pursuant to [this act] **sections 144.757 to 144.761** may repeal or amend such local use tax unless such repeal or amendment is submitted to and approved by the voters of the county or municipality in the manner provided in section 144.757; provided, however, that the repeal of the local sales tax within the county or municipality shall be deemed to repeal the local use tax imposed [under this act] **pursuant to sections 144.757 to 144.761**.

2. Whenever the governing body of any county or municipality in which a local use tax has been imposed in the manner provided by [this act] **sections 144.757 to 144.761** receives a petition, signed by fifteen percent of the registered voters of such county or municipality voting in the last gubernatorial election, calling for an election to repeal such local use tax, the governing body shall submit to the voters of such county or municipality a proposal to repeal the county or municipality use tax imposed [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, shall remain in effect."; and

Further amend said bill, page 75, section 348.432, line 14, by inserting immediately after said line the following:

"353.020. The following terms, whenever used or referred to in this chapter, mean:

(1) "Area", that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "City" or "such cities", any city within this state **and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants; provided that, such a county may exercise the authority granted by this chapter only within the unincorporated area of the county**;

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and

terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized [under the provisions of] **pursuant to** this chapter; except that any life insurance company organized [under] **pursuant to** the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project [under] **pursuant to** this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160."; and

Further amend said bill, page 106, section 620.1575, line 5, by inserting immediately after said line the following:

"**Section 1. Any district in any city not within a county, any county of the first classification with a population of more than nine hundred thousand, any county of the first classification with a population of more than one hundred seventy thousand and less than two hundred five thousand, any county of the third classification with a population of more than nineteen thousand five hundred and less than twenty thousand, any county of the first classification with a charter form of government and a population of less than two hundred fifty thousand according to the most recent federal decennial census and any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand according to the most recent federal decennial census providing emergency services pursuant to chapter 190, RSMo, or chapter 321, RSMo, shall be entitled to reimbursement from the special allocation fund for direct costs. However, such reimbursement shall not be less than twenty-five percent nor more than one hundred percent of the district's tax increment.**"; and

Further amend said bill, page 106, section C, line 22, by inserting immediately after said line the following:

"Section D. Because immediate action is necessary in order to prevent further neighborhood decline and to stimulate economic investment, sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 144.757, 144.759, 144.761 and 353.020 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 144.757, 144.759, 144.761 and 353.020 of this act shall be in full force and effect upon its passage and approval.

Section E. The repeal and repeal and reenactment of sections 99.805, 99.866, 99.867, 99.868, 99.869 and 99.872 shall become effective July 1, 2001."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Yeckel requested a division of the question on the adoption of **SA 3**, asking that a vote first be taken on the portion of the amendment dealing with pages 1-24 including lines 1-4 of page 25; and that a second vote be taken on the remainder of the amendment, which request was granted.

Senator Goode moved that Part 1 be adopted, which motion prevailed.

Part 2 was taken up.

Senator Goode moved that Part 2 be adopted, which motion failed on a standing division vote.

Senator Clay offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 260.1575, Line 5 of said page, by inserting after all of said line the following:

"**Section 1. An economic development plan shall be prepared and submitted to the commission with any application for licensure pursuant to sections 313.800 to 313.850, RSMo. Such plan shall detail the revenue impact to the area in which the proposed facility is to be located. The jobs created by the proposed facility and other relevant factors to the economic development of the area proposed as the site for the facility. When determining where to locate a licensed excursion gambling boat, the commission shall give priority to those cities and counties where no current excursion gambling boat exists. The commission shall also give priority to the economic development plan required by this section.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Klarich offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 35, Section 67.1461, Line 9 of said page, by inserting after all of said line the following:

"135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the

taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such

property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds

the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to [(g)] **(m)** and [(i) to (l)] **(o) to (r)** of subdivision (11) of this section;

(11) "Revenue-producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Motor freight transportation terminal activities classified as SIC 4231;

(e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as SIC 4491;

(g) Airports, flying fields, and airport terminal services classified as SIC 4581;

(h) Wholesale trade activities classified as SICs 50 and 51;

(i) Insurance carriers activities classified as SICs 631, 632 and 633;

(j) Research and development activities classified as SIC 873, except 8733;

(k) Farm implement dealer activities classified as SIC 5999;

(l) Interexchange telecommunications services as defined in subdivision [(20)] **(24) or local exchange telecommunications services as defined in subdivision (13)** of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in [subdivision (19)] **subdivisions (23) and (30)** of section 386.020, RSMo;

(m) Recycling activities classified as SIC 5093;

(n) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;

(o) Mining activities classified as SICs 10 through 14;

(p) Computer programming, data processing and other computer-related activities classified as SIC 737;

(q) The administrative management of any of the foregoing activities; or

(r) Any combination of any of the foregoing activities;

**A revenue-producing enterprise which is identified by an SIC classification number includes enterprises with the corresponding classification number in the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget.**

(12) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue-producing enterprise;

(13) "SIC", the **primary** standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget**. For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at a new business facility during the taxpayer's tax period in which such tax credits are being claimed**;

(14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo.

[135.100. As used in sections

135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if

such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The "property factor" is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The "payroll factor" is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual

rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5

of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (11) of this section;

(11) "Revenue-producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Motor freight transportation terminal activities classified as SIC 4231;

(e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as SIC 4491;

(g) Wholesale trade activities classified as SICs 50 and 51;

(h) Insurance carriers activities classified as SICs 631, 632 and 633;

(i) Research and development activities classified as SIC 873, except 8733;

(j) Farm implement dealer activities classified as SIC 5999;

(k) Interexchange telecommunications services as defined in subdivision (24) or local exchange telecommunications services as defined in subdivision (31) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company or by a local exchange telecommunications company as defined in subdivisions (23) and (30) of section 386.020, RSMo;

(l) Recycling activities classified as SIC 5093;

(m) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;

(n) Mining activities classified as SICs 10 through 14;

(o) Computer programming, data processing and other computer-related activities classified as SIC 737;

(p) The administrative management of any of the foregoing activities; or

(q) Any combination of any of the foregoing activities;

(12) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue-producing enterprise;

(13) "SIC", the primary standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget. For the purpose of this subdivision, "primary" means at least fifty percent of the

activities so classified are performed at the new business facility during the taxpayer's tax period in which such tax credits are being claimed;

(14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo.]"; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 97, Section 620.1420, Line 20, by inserting immediately after the word "industry", as it appears the first time in said line, the following: "**, long term care facilities licensed under Chapter 198,**".

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

Senator Westfall offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.535, Line 4 of said page, by inserting immediately after said line the following:

"**135.918. This section shall be known and may be cited as the "Missouri Agricultural Investment Tax Credit Act". For tax years beginning on or after January 1, 2000, but before December 31, 2004, an individual taxpayer who qualifies as a farmer pursuant to Section 6654(i)(2) of Title 26 of the Internal Revenue Code or a corporate taxpayer who qualifies as a farming corporation pursuant to chapter 350, RSMo, shall be allowed to claim a nonrefundable credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, in an amount equal to ten percent of the cost of any item which is allowable as an expensing election pursuant to Section 179 of the Internal Revenue Code for the same tax year. The tax credit allowed pursuant to this section shall not exceed five hundred dollars. An eligible taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return; provided that, a taxpayer who fails to timely file such taxpayer's return, including extensions, shall not be eligible for a credit pursuant to this section. Any amount of credit that exceeds the tax due for a taxpayer's tax year may be carried back to any of the taxpayer's three prior tax years or carried forward to any of the taxpayer's five subsequent tax years. The department of revenue is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Mueller offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"**99.053. 1. Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any**

**political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:**

**(1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or**

**(2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.**

**2. The provisions of this section shall not apply to those housing authorities:**

**(1) Located within a city not within a county;**

**(2) Located within a city with a population of over four hundred thousand inhabitants;**

**(3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner.**"; and

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

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

Senator House offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6 of said page, by inserting after all of said line the following:

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

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

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof.

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

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

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

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the

municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

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

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

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

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

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

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

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

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

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

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

**(3) Contains the site of a county convention and sports facilities authority organized pursuant to sections 67.1150 to 67.1158, RSMo**.

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

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

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

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

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

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

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

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

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

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

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

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

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

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

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

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Singleton offered **SA 1** to **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 9, Section 99.845, Line 11, by adding the following on said line:

"(4) Or any other area of the state with authority organized pursuant to sections 67.1150 to 67.1158, RSMo.".

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

**SA 9** was again taken up.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by

Senators Rohrbach, Russell, Scott and Klarich.

**SA 9** failed of adoption by the following vote:

YEAS—Senators

| | | | |
|---|---|---|---|
| Bentley | Ehlmann | Flotron | House |
| Kinder | Maxwell | Schneider—7 | |

NAYS—Senators

| | | | |
|---|---|---|---|
| Bland | Carter | Caskey | Childers |
| Clay | DePasco | Goode | Graves |
| Howard | Jacob | Johnson | Kenney |
| Klarich | Mueller | Quick | Rohrbach |
| Russell | Scott | Sims | Singleton |
| Staples | Steelman | Stoll | Westfall |
| Wiggins | Yeckel—26 | | |

Absent—Senators—None

Absent with leave—Senator Mathewson—1

Senator Stoll assumed the Chair.

Senator DePasco offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 11, Section 32.110, Line 5 of said page, by inserting after all of said line the following:

"64.090. 1. For the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan, the county commission in all counties of the first class, as provided by law, except in counties of the first class not having a charter form of government, is hereby empowered to regulate and restrict, by order, in the unincorporated portions of the county, the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, including areas for agriculture, forestry and recreation.

2. The provisions of this section shall not apply to the incorporated portions of the counties, nor to the raising of crops, livestock, orchards, or forestry, nor to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this section, the term "rice farming or flood irrigation" means small berms of no more than eighteen inches high that are placed around a field to hold water for use for growing rice or for flood irrigation. This section shall not apply to the erection, maintenance, repair, alteration or extension of farm structures used for such purposes in an area not within the area shown on the flood hazard area map. This section shall not apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map.

3. The powers by sections 64.010 to 64.160 given shall not be exercised so as to deprive the owner, lessee or tenant of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted except that reasonable regulations may be adopted for the gradual elimination of nonconforming uses, nor shall anything in sections 64.010 to 64.160 interfere with such public utility services as may have been or may hereafter be specifically authorized or permitted by a certificate of public convenience and necessity, or order issued by the public service commission, or by permit of the county commission.

4. For the purpose of any zoning regulation adopted under the provisions of sections 64.010 to 64.160, the classification of single-family dwelling or single-family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons. The classification of single-family dwelling or single-family residence shall also include any private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption.

A zoning regulation may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards and may also establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling or single-family residence area. Should a single-family dwelling or single-family residence as defined in this subsection cease to operate for the purposes specified in this subsection, any other use of such dwelling or residence, other than that allowed by the zoning regulations, shall be approved by the county board of zoning adjustment. Nothing in this subsection shall be construed to relieve the division of family services, the department of mental health or any other person, firm or corporation occupying or utilizing any single-family dwelling or single-family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single-family dwelling or single-family residence.

5. Except in subsection 4 of this section, nothing contained in sections 64.010 to 64.160 shall affect the existence or validity of an ordinance which a county has adopted prior to March 4, 1991.

**6. In any county of the first classification having a charter form of government and with a population of more than six hundred thousand but less than nine hundred thousand inhabitants, any zoning ordinance or order granting a conditional use permit adopted by the governing legislative body of such county pursuant to this section shall:**

**(1) Be deemed enacted thirty days after passage; and**

**(2) Not be subject to any veto power or other power to disapprove such ordinance or order from the executive of such county.**"; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 10** is out of order as it goes beyond the scope and purpose of the bill.

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

**SA 10** was again taken up.

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

Senator DePasco offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 64, Section 205.577, Line 17, by inserting after all of said line the following:

"208.750. 1. Sections 208.750 to 208.775 shall be known and may be cited as the "Family Development Account Program".

2. For purposes of sections 208.750 to 208.775, the following terms mean:

(1) "Account holder", a person who is the owner of a family development account;

(2) **"Accredited institution of higher education", a university, college, community college, secondary, vocational or technical school located within the state of Missouri and accredited by an accrediting organization recognized by the department or any institution wherein a teacher can complete department of elementary and secondary education-approved teaching experience for purposes of teacher certification;**

**(3)** "Community-based organization", any religious or charitable [association formed pursuant to chapter 352, RSMo,] **not-for-profit organization which is tax exempt pursuant to section 501(c)(3) of the Internal Revenue Code,** that is approved by the director of the department of economic development to implement the family development account program;

[(3)] **(4)** "Department", the department of economic development;

[(4)] **(5)** "Director", the director of the

department of economic development;

[(5)] **(6)** "Family development account", a financial instrument established pursuant to section 208.760;

[(6)] **(7)** "Family development account reserve fund", the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program and for providing matching funds for moneys in family development accounts;

[(7)] **(8)** "Federal poverty level", the most recent poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;

[(8)] **(9)** "Financial institution", any bank, trust company, savings bank, credit union or savings and loan association as defined in chapter 362, 369 or 370, RSMo, and with an office in Missouri which is approved by the director for participation in the program;

[(9)] **(10)** "Program", the Missouri family development account program established in sections 208.750 to 208.775;

[(10)] **(11)** "Program contributor", a person or entity who makes a contribution to a family development account reserve fund and is not the account holder."; and

Further amend said bill, Page 66, Section B, Line 2, by striking "contained in this act" and inserting in lieu thereof the following: "32.105, 32.110, 67.1401, 67.1411, 67.1421, 67.1431, 67.1441, 67.1461, 67.1471, 67.1491, 67.1521, 67.1531, 67.1545, 67.1551, 135.200, 135.355, 135.400, 135.403, 135.405, 135.408, 135.411, 135.423, 135.429, 135.430, 135.478, 135.484, 135.535, 135.545, 135.766, 178.892, 348.300, 348.302, 447.708, 620.470, 620.474, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450, 620.1470, 620.1472, 620.1560 and 620.1575"; and

Further amend the title and enacting clause accordingly.

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

Senator Flotron offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1566, Page 106, Section 620.1575, Line 5 of said page, by inserting immediately after said line the following:

"**620.1730. Sections 620.1730 to 620.1787 shall be known and cited as the "Missouri Business and Industrial Development Companies Act" or "Missouri BIDCO Act".**

**620.1733. As used in sections 620.1730 to 620.1787, the following terms mean:**

**(1) "Affiliate of a BIDCO":**

**(a) Any person, directly or indirectly owning, controlling or holding power to vote fifteen percent or more of the outstanding voting securities or other ownership interests of the Missouri business and industrial development company;**

**(b) Any person fifteen percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled, or held with power to vote by the Missouri business and industrial development company;**

**(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri business and industrial development company;**

**(d) A partnership in which the Missouri business and industrial development company is a general partner;**

**(e) Any person who is an officer, director, or agent of the Missouri business and industrial development company or an immediate family member of such officer, director, or agent;**

**(2) "BIDCO", a business and industrial development company licensed under this act;**

**(3) "Business firm", a person that transacts business on a regular and continual basis, or a person that proposes to transact business on a regular and continual basis;**

**(4) "Department", the Missouri department of economic development;**

**(5) "Director", the director of the department of economic development or a person acting under the supervision of the director;**

**(6) "Entity", a general partnership, a limited partnership, a corporation, including a not-for-profit corporation, or limited liability company;**

**(7) "License", a license issued under this act authorizing a Missouri entity to transact business as a BIDCO;**

**(8) "Licensee", a Missouri entity which is licensed under this act;**

**(9) "Person", an individual, proprietorship, joint venture, partnership, limited liability company, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization;**

**(10) "This act", includes an order issued or rules promulgated under this act.**

**620.1736. 1. The director shall administer this act. The director may issue orders and promulgate rules that, in the opinion of the director, are necessary to execute, enforce, and effectuate the purposes of this act. Any rules promulgated shall be promulgated in accordance with the administrative procedure and review act contained in chapter 536, RSMo.**

**2. Whenever the director issues an order or license under this act, the director may impose conditions that are necessary, in the opinion of the director, to carry out this act and the purposes of this act.**

**3. The director may honor applications from interested persons for declaratory rulings regarding any provision of this act.**

**4. Every final order, decision, license, or other official act of the director under this act is subject to judicial review in accordance with law.**

**5. An application filed with the director under this act shall be in such a form and contain such information as the director may require.**

**620.1739. 1. The director may make public or private investigations within or outside this state that the director considers necessary to determine whether to approve an application filed with the director under this act, to determine whether a person has violated or is about to violate this act, to aid in the enforcement of this act, or to aid in issuing an order or promulgating a rule under this act.**

**2. For purposes of an investigation, examination, or other proceeding under this act, the director may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records which the director considers relevant or material to the proceeding.**

**3. If a person fails to comply with a subpoena issued by the director or to testify with respect to a matter concerning which the person may be lawfully questioned, the circuit court for Cole County, on application of the director, may issue an order requiring the attendance of the person and the giving of testimony or production of evidence.**

**4. Service of process authorized to be made by the director in connection with a noncriminal proceeding under this act may be made by registered or certified mail.**

**620.1742. 1. The director may establish annually a schedule of fees sufficient to pay for the department's costs of administering the Missouri BIDCO act. The fees may be charged for:**

**(1) For filing an application for a licensee;**

**(2) For filing an application for approval to acquire control of a licensee;**

**(3) For filing an application for approval for a licensee to merge with another Missouri entity, an application for approval for a licensee to purchase all or substantially all of the business of another person, or an application for**

**approval for a licensee to sell all or substantially all of its business or of the business of any of its offices to another licensee;**

**(4) For annual license renewal; and**

**(5) For examination of the licensee.**

**2. A fee for filing an application with the director is nonrefundable and is to be paid at the time the application is filed with the director.**

**3. If any fees or penalties provided for in this act are not paid when required, the attorney general may maintain an action against the delinquent licensee to recover the fees or penalties, together with interest and costs.**

**4. A licensee or an affiliate or subsidiary of a licensee that fails to submit a report as required in the Missouri BIDCO act is subject to a penalty of twenty-five dollars for each day the report is delinquent or one thousand dollars, whichever is less.**

**5. Money collected under this section shall be paid into the state treasury to the credit of the department and used only for the operation of the department.**

**620.1745. 1. A licensee shall make and keep books, accounts, and other records in a form and manner as the director may require. These records shall be kept at a place and shall be preserved for a length of time as the director may require.**

**2. The director may require by order that a licensee write down any asset on its books and records to a valuation which represents its then value.**

**3. Not more than one hundred twenty days after the close of each calendar year or a longer period if specified by the director, a licensee shall file with the director an audit report containing all of the following:**

**(1) Financial statements, including balance sheet, statement of income or loss, statement of change in capital accounts, and statement of changes in financial position or, for a licensee that is a Missouri nonprofit corporation, comparable financial statements for, or as of the end of, the calendar year, prepared with an audit by an independent certified public accountant or an independent public accountant in accordance with generally accepted accounting principles;**

**(2) A report, certificate, or opinion of the independent certified public accountant or independent public accountant who performs the audit, stating that the financial statements were prepared in accordance with generally accepted accounting principles; and**

**(3) Other information that the director may reasonably require.**

**4. If a person other than a licensee makes or keeps the books, accounts, or other records of that licensee, this act applies to that person with respect to the performance of those services and with respect to those books, accounts, and other records to the same extent as if that person were the licensee.**

**5. If a person other than an affiliate or subsidiary of a licensee makes or keeps any of the books, accounts, or other records of that affiliate or subsidiary, this section applies to that person with respect to those books, accounts, and other records to the same extent as if that person were the affiliate or subsidiary.**

**6. If the director considers it expedient, the director may require any particular licensee to obtain the approval of the director before permitting another person to make or keep any of the books, accounts, or other records of the licensee.**

**620.1748. Each licensee, each affiliate of a licensee, and each subsidiary of a license shall file with the director such reports as and when the director may require. A report under this section shall be in such a form and shall contain such information as the director may require.**

**620.1751. 1. After a review of information regarding the directors, officers, partners, managers, and controlling persons of the applicant, a review of the applicant's business plan, including at least three years of detailed financial projections and other relevant**

**information, and a review of additional information considered relevant by the director, the director shall approve an application for a license if, and only if, the director determines all of the following:**

**(1) The applicant has a net worth, or firm financing commitments which demonstrate that the applicant will have a net worth when the applicant begins transacting business as a BIDCO, in liquid form available to provide financing assistance, that is adequate for the applicant to transact business as a BIDCO as determined under this section;**

**(2) Each director, officer, partner, manager, and controlling person of the applicant is of good character and sound financial standing, is competent to perform his or her functions with respect to the applicant, and that the directors, officers, partners, and managers of the applicant are collectively adequate to manage the business of the applicant as a BIDCO;**

**(3) It is reasonable to believe that the applicant, if licensed, will comply with this act; and**

**(4) The applicant has reasonable promise of being a viable, ongoing BIDCO and of satisfying the basic objectives of its business plan.**

**2. In determining if the applicant has a net worth or firm financing commitments adequate to transact business as a BIDCO, the director shall consider the types and variety of financing assistance that the applicant plans to provide, the experience that the directors, officers, partners, managers, and controlling persons of the applicant have in providing financing and managerial assistance to business firms, the financial projections and other relevant information from the applicant's business plan, and whether the applicant intends to operate as a profit or nonprofit corporation. Except as otherwise provided in this act, the director shall require a minimum net worth of one million dollars.**

**620.1754. If the director denies an application under sections 620.1730 to 620.1787, the director shall provide the applicant with a written statement explaining the basis for the denial.**

**620.1757. If an application for a license is approved and all conditions precedent to the issuance of that license are fulfilled, the director shall issue a license to the applicant. A licensee shall post the license in a conspicuous place in the licensee's principal office. A license is not transferable or assignable without the permission of the director.**

**620.1760. 1. Except as otherwise provided in subsection 2 of this section, a person transacting business in this state, other than a licensee, shall not use a name or title which indicates that the person is a business and industrial development company including, but not limited to, use of the term "BIDCO", and shall not otherwise represent that the person is a business and industrial development company or a licensee.**

**2. Before being issued a license under this act, a Missouri entity that proposes to apply for a license or that applies for a license may perform, under a name that indicates that the entity is a business and industrial development entity, the acts necessary to apply for and obtain a license and to otherwise prepare to commence transacting business as a licensee. Such an entity shall not represent that it is a licensee until after the license has been obtained.**

**3. A licensee shall not misrepresent the meaning or effect of its license.**

**4. The name of each licensee shall include the word "BIDCO". A licensee shall not transact business under any other name.**

**620.1763. 1. After complying with subsection 2 a licensee may apply to the director to have the director accept the surrender of the licensee's license. If the director determines that the requirements of this section have been satisfied, the director shall approve the application unless in the opinion of the director the purpose of the application is to evade a current or prospective action by the director.**

**2. Not less than sixty days before filing an application with the director under subsection**

**1, a licensee shall notify all of its creditors of its intention to file the application.**

**620.1766. 1. Each corporate licensee shall have at least three members of its board of directors, each general partnership licensee shall have at least three general partners, each limited partnership shall have at least three general partners or a corporate general partner that has at least three directors and each limited liability company licensee shall have at least three managers.**

**2. The managers of each licensee described in subsection 1 of this section shall hold a meeting not less than once each calendar quarter.**

**3. Within thirty days after the death, resignation, or removal of a director, officer, partner, or manager, the election of a director or manager or the appointment of an officer, or the admission of a partner, the licensee shall notify the director in writing of the event and shall provide any additional information which the director may require.**

**620.1769. 1. A licensee shall maintain not less than one office in this state.**

**2. A licensee shall post in a conspicuous place at each of its offices a sign which bears the corporate name of the licensee.**

**3. Upon written notice to the director, a licensee may establish, relocate, or close an office.**

**620.1772. 1. The business of a licensee shall be to provide financing assistance and management assistance to business firms. A licensee shall not engage in a business other than providing financing assistance and management assistance to business firms.**

**2. The powers of a licensee include, but are not limited to, all of the following:**

**(1) To borrow money and otherwise incur indebtedness for its purposes, including issuance of corporate bonds, debentures, notes, or other evidence of indebtedness. A licensee's indebtedness may be secured or unsecured, and may involve equity features including, but not limited to, provisions for conversion to stock and warrants to purchase stock;**

**(2) To make contracts;**

**(3) To incur and pay necessary and incidental operating expenses;**

**(4) To purchase, receive, hold, lease, or otherwise acquire, or to sell, convey, mortgage, lease, pledge, or otherwise dispose of, real or personal property, together with rights and privileges that are incidental and appurtenant to these transactions of real or personal property, if the real or personal property is for the licensee's use in operating its business or if the real or personal property is acquired by the licensee from time to time in satisfaction of debts or enforcement of obligations;**

**(5) To make donations for charitable, educational, research, or similar purposes;**

**(6) To implement a reasonable and prudent policy for conserving and investing its money before the money is used to provide financing assistance to business firms or so pay the expenses of the licensee; and**

**(7) To lend money upon such terms and conditions as it deems reasonable.**

**620.1775. 1. A licensee may determine the form and the terms and conditions for financing assistance provided by that licensee to a business firm including, but not limited to, forms such as loans; purchase of debt instruments; straight equity investments such as purchase of common stock, preferred stock, or membership interests, debt with equity features such as warrants to purchase stock or membership interests, convertible debentures, or receipt of a percent at net income or sales royalty based financing; guaranteeing of debt; or leasing of property. A licensee may purchase securities and membership interests of a business firm either directly or indirectly through an underwriter. A licensee may participate in the program of the small business administration pursuant to section 7(a) of the Small Business Act, Public Law 85:536, 15 U.S.C. 636(a), or any other government program for which the licensee is eligible and**

**which has as its function the provision or facilitation of financing assistance or management assistance to business firms. If a licensee participates in a program referred to in this subsection, the license shall comply with the requirements of that program.**

**2. Management assistance provided by a licensee to a business firm may encompass both management or technical advice and management or technical services.**

**3. Financing assistance or management assistance provided by a licensee to a business firm shall be for the business purposes of that business firm.**

**4. A licensee may exercise the incidental powers that are necessary or convenient to carry on the business of, or are reasonably related to the business of, providing financing assistance and management assistance to business firms.**

**620.1778. 1. A licensee shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition.**

**2. In determining whether a licensee is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the director shall not consider the risk of a provision of financing assistance to a business firm, unless the director determines that the risk is so great compared with the realistically expected return as to demonstrate gross mismanagement.**

**3. Subsection 2 of this section authorizes but does not limit the authority of the director to do any of the following:**

**(1) Determine that a licensee's financing assistance to a single business firm or a group of affiliated business firms is in violation of subsection 1 of this section or constitutes an unsafe or unsound act, if the amount of that financing assistance is unduly large in relation to the total assets or the total shareholders equity of the licensee;**

**(2) Require that a licensee maintain a reserve in the amount of anticipated losses; and**

**(3) Require that a licensee have in effect a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The director shall not require that a licensee adopt a financing assistance policy that contains standards which prevent the licensee from exercising needed flexibility in evaluating and structuring financing assistance to business firms on a deal by deal basis.**

**620.1781. 1. Without the prior approval of the director, a person shall not acquire control of a licensee.**

**2. With respect to an application for approval to acquire control of a licensee, if the director determines, that the applicant and the directors, officers, and managers of the applicant are of good character and sound financial standing, that it is reasonable to believe that, if the applicant acquires control of the licensee, the applicant will comply with this act, and that the applicant's plans, if any, to make a major change in the business, corporate structure, or management of the licensee are not detrimental to the safety and soundness of the licensee, the director shall approve the application. If, after notice and a hearing, the director determines otherwise, the director shall deny the application.**

**3. For purposes of this section, the director may determine any of the following:**

**(1) That an applicant or a director, officer, or manager of an applicant is not of good character if that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty;**

**(2) That an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee if the plan provides for a person to become a director, officer, or manager of the licensee and that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty; and**

**(3) The conditions described in subsection 3 of this section are not the only conditions upon which the commissioner may determine that an**

**applicant or a director, officer, or manager of an applicant is not of good character or that an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee.**

**620.1784. 1. A licensee shall not merge with another entity:**

**(1) If the licensee is the surviving entity, the merger is approved by the director; or**

**(2) If the licensee is a disappearing entity, the surviving entity is a licensee and the merger is approved by the director.**

**2. A licensee shall not purchase all or substantially all of the business of another person unless the purchase is approved by the director.**

**3. A licensee shall not sell all or substantially all of its business or of the business of any of its offices to another person unless that other person is a licensee and the sale is approved by the director.**

**4. The director shall approve an application for approval of a merger, purchase, or sale, if, and only if, the director determines all of the following:**

**(1) That the merger, purchase, or sale will be safe and sound with respect to the acquiring licensee;**

**(2) That, upon consummation of the merger, purchase, or sale, it is reasonable to believe that the acquiring licensee will comply with this act; and**

**(3) That the merger, purchase, or sale will not have a major detrimental impact on competition in the providing of financial assistance or management assistance to business firms, or if there will be such a detrimental impact, that the merger, purchase, or sale is necessary in the interests of the safety and soundness of any of the parties to the merger, purchase, or sale, or is otherwise, on balance, in the public interest.**

**620.1787. 1. If in the opinion of the director, a person violates, or there is reasonable cause to believe that a person is about to violate this act, the director may bring an action in the name of the people of this state in a circuit court to enjoin the violation or to enforce compliance with this act. Upon a proper showing, a restraining order, preliminary or permanent injunction, or writ of mandamus shall be granted, and a receiver or a conservator may be appointed for the defendant or the defendant's assets. The court shall not require the director to post a bond in an action brought under this act.**

**2. A person having custody of any of the books, accounts, or other records of a licensee shall not willfully refuse to allow the director, upon request, to inspect or make copies of any of those books, accounts, or other records.**"; and

Further amend said bill, Page 66, Section 260.285, Line 3, by inserting immediately after said line the following:

"313.835. 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850 shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans' commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans' commission for:

(a) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;

(b) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;

(c) Fund transfers to Missouri veterans' homes fund established pursuant to the provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund; [and]

(d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans' commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed two million dollars total may be made from the veterans' commission capital improvement trust fund as a match to other funds for the renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans' commission prior to July 1, 2000**; and**

**(e) Fund transfers to the Missouri veterans' business council fund established pursuant to section 620.1725, RSMo**.

Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund;

(3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and each fiscal year thereafter shall be distributed as follows:

(a) Three million dollars shall be transferred to the veterans' commission capital improvement trust fund;

(b) Three million dollars shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;

(c) Three million dollars shall be transferred to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;

(d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund except as provided in paragraph (l) of this subdivision, shall be transferred to the "Early Childhood Development, Education and Care Fund" which is hereby created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section 160.053, RSMo, to enter school ready to

learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten;

(e) No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this paragraph to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions of this paragraph and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys pursuant to the provisions of this paragraph shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants.

a. Grants or contracts may be provided for:

(i) Start-up funds for necessary materials, supplies, equipment and facilities; and

(ii) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;

b. Grant and contract applications shall, at a minimum, include:

(i) A funding plan which demonstrates funding from a variety of sources including parental fees;

(ii) A child development, education and care plan that is appropriate to meet the needs of children;

(iii) The identity of any partner agencies or contractual service providers;

(iv) Documentation of community input into program development;

(v) Demonstration of financial and programmatic accountability on an annual basis;

(vi) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and

(vii) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

c. In awarding grants and contracts pursuant to this paragraph, the departments may give preference to programs which:

(i) Are new or expanding programs which increase capacity;

(ii) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;

(iii) Are programs designed for special needs children;

(iv) Are programs that offer services during nontraditional hours and weekends; or

(v) Are programs that serve a high concentration of low-income families;

d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment [under] **pursuant to** item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

(g) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization;

(h) No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment [under] **pursuant to** item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates [under] **pursuant to** paragraph (f) of this subdivision and payments [under] **pursuant to** paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) [Any] **No** rule or portion of a rule[, as that term is defined in section 536.010, RSMo, that is] promulgated [under] **pursuant to** the authority [delegated in] **of** paragraph (j) of this subdivision shall become effective [only if the agency has fully complied with all of the requirements of] **unless it has been promulgated pursuant to the provisions of** chapter 536, RSMo[, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any

rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998];

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars, one and one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo.

2. Upon request by the veterans' commission, the general assembly may appropriate moneys from the veterans' commission capital improvements trust fund to the Missouri national guard trust fund to support the activities described in section 41.958, RSMo."; and

Further amend said bill, page 106, section 620.1575, line 59, by inserting immediately after said line the following:

"**620.1700. Sections 620.1700 to 620.1725 shall be known and may be cited as the "Missouri Veterans' Business Council Act".**

**620.1705. For the purposes of sections 620.1700 to 620.1725 the following terms mean:**

**(1) "Council", the Missouri veterans' business council established in section 620.1710;**

**(2) "Disabled veteran", a veteran who has served on active or reserve duty in the armed forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran's affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a national guard veteran who was permanently disabled as a result of active or reserve service to the state at the call of the governor;**

**(3) "Seed capital", capital provided for start up veteran and disabled veteran owned businesses located in Missouri;**

**(4) "Veteran", any person who is a citizen of this state who has been separated under honorable conditions from the armed forces of the United States who served on active duty during peacetime or wartime for at least six consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or national guard component who has satisfactorily completed at least six years of service or who was called or ordered to active duty by the President.**

**620.1710. 1. There is hereby established within the department of economic development the "Missouri Veterans' Business Council".**

**2. The Missouri veterans' business council shall consist of fifteen members to be appointed by the governor with the advice and consent of the senate. Four members shall be veteran business owners, three members shall be disabled veteran business owners, three members shall be veterans working in the professional community and five members shall be from businesses that provide services to veterans. The lieutenant governor and the director of the department of economic development shall serve as ex officio members of the board. Each appointed member shall serve for a term of four years and until a successor is duly appointed; except that, of the members first appointed four members shall serve for terms of four years, four members shall serve for terms of three years, four members shall serve for terms of two years and three members shall serve terms of one year. The council shall meet at least four times each year at the call of the chairperson or upon a call of at least eight members of the council. The members of the council shall receive no compensation, but shall**

**be reimbursed for all necessary and actual expenses incurred in the performance of their official duties on the council.**

**3. The director of the department of economic development shall assign sufficient staff to state offices in Jefferson City, St. Louis, Springfield and Kansas City to carry out the duties required by sections 620.1700 to 620.1725.**

**620.1715. The duties of the Missouri veterans' business council shall include, but are not limited to, the following:**

**(1) Identifying veteran owned businesses and disabled veteran owned businesses in this state;**

**(2) Performing certification of veteran owned businesses and disabled veteran owned businesses;**

**(3) Conducting an initial review of all state policies and programs as they impact veteran owned businesses and disabled veteran owned businesses. The findings and recommendations of the council based on this review shall be reported annually to the governor and the general assembly by January fifteenth;**

**(4) Monitoring and commenting on legislative proposals at the state, county and local levels;**

**(5) Providing public information, which is accessible through various media including the Internet, listservs, newsletters and periodical mailings;**

**(6) Establishing a microloan revolving loan program for the operation and delivery of entrepreneurial support programs and services provider, including authorizing tax credits to create and fund such programs, and providing conferences, training and technical assistance;**

**(7) Writing and accepting grants;**

**(8) Developing an outreach, media and public relations plan;**

**(9) Maintaining a working relationship with other governmental agencies as they relate to business growth;**

**(10) Providing seed capital money for start-up veteran and disabled veteran owned businesses; and**

**(11) Administering the Missouri veterans' business council fund created pursuant to section 620.1725.**

**620.1720. 1. A taxpayer shall be allowed a credit against the tax otherwise due pursuant to chapter 143, 147 or 148, RSMo, excluding taxes withheld pursuant to sections 143.191 to 143.265, RSMo, equal to fifty percent of the amount of any money or property such taxpayer contributed to the Missouri veteran's business council fund. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the Missouri veterans' business council may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed by the new owner with the director of revenue specifying the name and address of the new owner of the tax credit and the value of the credit. As used in this section, the term "taxpayer" means any person, partnership, corporation, trust or limited liability company.**

**2. To obtain a tax credit pursuant to this section, a taxpayer shall submit to the Missouri veterans' business council an application for tax credit and proof of a contribution which qualifies the taxpayer for a tax credit. Upon receipt of acceptable proof of contribution, the Missouri veterans' business council shall issue the taxpayer a certificate of tax credit.**

**3. Beginning January 1, 2002, tax credits shall be allowed pursuant to this section in an amount not to exceed two million dollars per year. Tax credit applications shall be considered in the order in which they are received.**

**4. The Missouri veterans' business council may promulgate such rules or regulations or issue administrative guidelines as are necessary to administer this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has**

**been promulgated pursuant to the provisions of chapter 536, RSMo.**

**620.1725. There is hereby created in the state treasury the "Missouri Veterans' Business Council Fund", which shall be administered by the Missouri veterans' business council created pursuant to sections 620.1700 to 620.1725. The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium.**"; and

Further amend said bill, Page 91, Section 620.017, Line 14, by inserting immediately after said line the following:

"**620.050. As used in sections 620.050 to 620.060, unless the context clearly requires otherwise, the following terms shall mean:**

**(1) "Affected small businesses" or "affects small business", any potential or actual requirement imposed upon a small business through an agency's proposed or adopted rule that will cause a direct and significant economic impact upon a small business, or is directly related to the formation, operation, or expansion of a small business;**

**(2) "Agency", each state board, commission, department, or officer authorized by law to make rules, except those in the legislative or judicial branches;**

**(3) "Board", the small business regulatory review board; and**

**(4) "Small business", a for-profit enterprise consisting of fewer than one hundred full-time or part-time employees.**

**620.052. 1. Prior to submitting proposed rules for adoption, amendment, or repeal pursuant to chapter 536, RSMo, the agency shall determine whether the proposed rules affect small business, and if so, the availability and practicability of less restrictive alternatives that could be implemented. This section shall not apply to emergency rulemaking as set forth in section 536.025, RSMo. This section shall be in addition to the fiscal note requirement of sections 536.200 to 536.210, RSMo.**

**2. If the proposed rules affect small business, the agency shall consider creative, innovative, or flexible methods of compliance for small businesses and prepare a small business impact statement to be submitted with the proposed rules. The statement may provide a reasonable determination of the following:**

**(1) The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules;**

**(2) Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected;**

**(3) In dollar amounts, the increase in the level of direct costs such as fees or administrative penalties, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance;**

**(4) The probable monetary costs and benefits to the implementing agency and other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used;**

**(5) The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating techniques;**

**(6) How the agency involved small business in the development of the proposed rules;**

**(7) Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation**

**of the reason for imposing the more stringent standard;**

**(8) Whether other states or entities have similar rules, and if determinable, what alternatives were implemented, along with associated costs.**

**3. Any small business may offer to the agency alternatives to the proposed rule to reduce the impact of the proposed rule upon small business.**

**4. This section shall not apply to proposed rules adopted by an agency to implement a statute that does not require an agency to interpret or describe the requirements of the statute such as federally mandated regulations which affords the agency no discretion to consider less restrictive alternatives, nor shall this section apply to any agency that considers the same or similar impact as contained in this section, provided that such agency publish the same or similar statement as part of its rulemaking process.**

**620.054. 1. There shall be established within the department of economic development a small business regulatory review board to consider any request from small business owners for review of any rule adopted by a state agency and to make recommendations to the agency or the general assembly regarding the need for a rule change or legislation. The establishment of the small business regulatory review board shall be a type I agency as defined in appendix B, RSMo.**

**2. The small business regulatory review board shall consist of five members, who shall be appointed or serve by designation as follows:**

**(1) Three members to be appointed by the governor;**

**(2) One member to be appointed by the speaker of the house of representatives; and**

**(3) One member to be appointed by the president pro tempore of the senate.**

**The lieutenant governor shall be an ex officio nonvoting member of the board. All nonlegislative appointments made pursuant to this subsection shall be made from a list of nominees, submitted to each appointing authority, by any nonprofit organization formed under the laws of this state the principal purpose of which is to function as a business membership service organization.**

**3. The appointments shall reflect representation of a variety of small businesses in the state, provided that no more than two members shall be representatives from the same type of small business.**

**4. All nonlegislative members of the small business regulatory review board shall be either a current or former owner or officer of a small business and shall not be an officer or employee of the federal, state, or county government. The governor shall appoint the initial chairperson of the board and a majority of the board shall elect subsequent chairpersons. The chairperson shall serve a term of not more than one year, unless removed earlier by a two-thirds vote of all members of the board.**

**5. A majority of all the members of the board shall constitute a quorum to do business and the concurrence of a majority of all the members of the board present and voting shall be necessary to make any action of the board valid.**

**620.056. 1. In addition to the basis for filing a petition provided in section 536.041, RSMo, any affected small business may file a written petition with the agency that has adopted rules objecting to all or part of any rule affecting small business on any of the following grounds:**

**(1) The actual effect on small business was not reflected in, or significantly exceeded, the small business impact statement submitted prior to the adoption of the rules;**

**(2) The small business impact statement did not consider new or significant economic information that reveals an undue impact on small business;**

**(3) The rules create an undue barrier to the formation, operation, and expansion of small businesses in a manner that significantly outweighs its benefit to the public;**

**(4) The rules duplicate, overlap, or conflict with rules adopted by another agency or violate the substantive authority under which the rules were adopted; or**

**(5) The technology, economic conditions, or other relevant factors justifying the purpose for the rules have changed or no longer exist.**

**2. Upon submission of the petition, the agency shall forward a copy of the petition to the small business regulatory review board and the joint committee on administrative rules, as required by section 536.041, RSMo, as notification of a petition filed pursuant to the provisions of sections 620.050 to 620.060. The agency shall promptly consider the petition and may seek advice and counsel regarding the petition. Within sixty days after the submission of the petition, the agency shall determine whether the impact statement or the public hearing addressed the actual and significant impact on small business. The agency shall submit a written response of the agency's determination to the small business regulatory review board within sixty days after receipt of the petition. If the agency determines that the petition merits the adoption, amendment, or repeal of a rule, it may initiate proceedings in accordance with the applicable requirements of chapter 536, RSMo.**

**3. If the agency determines that the petition does not merit the adoption, amendment, or repeal of any rule, any affected small business may seek a review of the decision by the small business regulatory review board. The board may convene a meeting for the purpose of soliciting testimony that will assist in its determination whether to recommend that the agency initiate proceedings in accordance with chapter 536, RSMo. The board shall not consider a successive petition on the same rule for a period of one year. For rules adopted after August 28, 2000, the board may base its recommendation on any of the following reasons:**

**(1) The actual effect on small business was not reflected in, or significantly exceeded, the impact statement submitted prior to the adoption of the rules;**

**(2) The impact statement did not take into account new or significant economic information that reveals an undue impact on small business;**

**(3) The rules created an undue barrier to the formation, operation, and expansion of small businesses in the state in a manner that significantly outweighs its benefit to the public;**

**(4) The rules duplicate, overlap, or conflict with rules adopted by another agency or violate the substantive authority under which the rules were adopted; or**

**(5) The technology, economic conditions, or other relevant factors justifying the purpose for the rules have changed or no longer exist.**

**4. If the small business regulatory review board recommends that an agency initiate rulemaking proceedings for any reason provided in subsection 2 or 3 of this section, it shall submit to the general assembly an evaluation report and the agency's response as provided in this section. The general assembly may subsequently take such action in response to the evaluation report and the agency's response as it finds appropriate.**

**620.058. 1. Each agency having rules that affect small business in effect on August 28, 2000, shall submit by June thirtieth of each odd-numbered year, a list of those rules to the small business regulatory review board.**

**2. The small business regulatory review board shall provide to the head of each agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns, including any rules that the board determines may duplicate, overlap, or conflict with other rules, or exceed statutory authority. The board may request a response from the agency regarding any specific rule so submitted. Within forty-five days after being notified by the board of any specific rule at issue, the agency shall submit a written report to the board in response to the complaints or concerns. The agency shall also state whether the agency has considered the continued need**

**for the rules and the degree to which technology, economic conditions, and other relevant factors may have diminished or eliminated the need for maintaining the rules.**

**3. The board may solicit testimony from the public and any agency regarding any report submitted by the agency under this section at a public meeting. Upon consideration of any report submitted by an agency under this section and any public testimony, the small business regulatory review board shall submit an evaluation report to each regular session of the general assembly in even-numbered years. The evaluation report shall include an assessment as to whether the public interest significantly outweighs a rule's effect on small business and any legislative proposal to eliminate or reduce the effect on small business. The evaluation report may include assessments of the regulatory agencies, and make such recommendations regarding small business regulatory fairness. The general assembly may take such action in response to the report as it finds appropriate.**

**620.060. 1. Except where a penalty is assessed pursuant to a program approved, authorized, or delegated under a federal law, any agency authorized to assess administrative penalties as allowed by federal or state law upon a small business shall waive or reduce any penalty for a violation of any statute or rules by a small business under the following conditions:**

**(1) The small business corrects the violation within a minimum of thirty days after receipt of a notice of violation or citation; and**

**(2) The violation was unintentional or the result of excusable neglect.**

**2. Subsection 1 of this section shall not apply when:**

**(1) A small business fails to exercise good faith in complying with the statute or rules;**

**(2) A violation is knowing or involves criminal conduct; or**

**(3) A violation results in serious health, safety, or environmental impact.**"; and

Further amend said bill, Page 27, Section 71.794, Line 6, 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 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, 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) 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**;**

**(8) No ordinance adopting a redevelopment plan, project or area, or amendment thereto shall be valid unless first referred to the commission as provided in this section. School**

**districts and other taxing entities entitled to participate on the commission shall have standing to challenge the failure to comply with the provisions of sections 99.800 to 99.865 or any unlawful expenditure of public funds approved pursuant to ordinance, and the provisions of this subdivision shall be considered remedial and applicable to legal actions commenced before or after August 28, 2000. After August 28, 2000, any such action must be brought within ninety days following the adoption of the ordinance adopting a redevelopment plan, project or area, or amendment thereto**.

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

Senator Maxwell offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 48, Section 135.484, Line 2 of said page, by inserting after all of said line the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote ten percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person ten percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business" **or "qualified Missouri agricultural business"**, any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business. Capital in a qualified Missouri business shall not include secured debt instruments;

(4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not for profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company; and

(c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

(12) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business **or, in the case of certified capital raised after August 28, 2000, a qualified Missouri agricultural business**;

(13) "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, eighty percent of which are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. If such business has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars. Any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

**(14) "Qualified Missouri agricultural business", any independently owned and operated business which is headquartered and located in Missouri, and which is either:**

**(a) A rural agricultural business whose projects add value to agricultural projects and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or**

**(b) Any business that is an eligible borrower as described pursuant to Section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars;**

[(14)] **(15)** "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916, RSMo, as a result of claiming such credit.

3. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates shall be limited to ten million dollars.

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, $0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; [and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section] **in calendar year 1998, an amount which would entitle all Missouri certified capital company investors, on an aggregate basis, to take an additional five million dollars in tax credits; and for calendar year 2000, an amount which would entitle all Missouri certified capital company investors, on an aggregate basis, to take an additional five million dollars in tax credits. Thereafter, the aggregate amount of earned and vested certified capital company credits that may be taken on an annual basis by all Missouri certified capital company investors shall not exceed an amount equal to ten percent of the cumulative credits earned in respect of certified capital invested in previous years**. During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. [Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection.] The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the

aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to sections 135.500 to 135.529 shall be the following: for calendar year 1999 and for any year thereafter, an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years or pursuant to the provisions of subsection 4 of this section to take them, pursuant to subsection 1 of this section. For purposes of any requirement regarding the schedule of qualified investments for certified capital for which earned and vested credits against state premium tax liability are allowed pursuant to this subsection only, the definition of a "qualified Missouri business" as set forth in subdivision (13) of subsection 2 of section 135.500 means a Missouri business that is located in a distressed community as defined in section 135.530, and meets all of the requirements of subdivision (13) of subsection 2 of section 135.500, except that its gross sales during its most recent complete fiscal year shall not have exceeded five million dollars. During any calendar year in which the limitation described in this subsection limits the amount of additional certified capital for which earned and vested credits against state premium tax liability are allowed, additional certified capital for which credits are allowed shall be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516 with respect to such additional certified capital. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 4 of this section. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to subsection 4 of this section shall limit the amount of certified capital for which credits are allowed pursuant to this subsection. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to this subsection shall limit the amount of certified capital for which credits are allowed pursuant to subsection 4 of this section.

6. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection [3] **4** of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments**, and in the case of any certified capital raised after August 28, 2000, at least twenty-five percent of which in terms of dollars, shall be, or have been, placed in qualified investments in qualified Missouri agricultural businesses**. A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such

entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate**, including, subject to the approval of the department upon terms and conditions determined by it, investments with an investor of the Missouri certified capital company or an affiliate or subsidiary of such investor of the Missouri certified capital company which is providing a guarantee, indemnity, bond, insurance policy or other guaranteed payment undertaking in favor of the investors that have invested certified capital in the Missouri certified capital company and which is rated AA or better by Standard and Poor's Rating Group or the equivalent by another nationally-recognized agency**. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

2. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments **and, with respect to qualified investments made with certified capital raised after August 28, 2000, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses**. Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri

development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

3. No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

4. Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

5. Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] **4** of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529."; and

Further amend the title and enacting clause accordingly.

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

Senator Kenney offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 & 1810, Page 3, Section A, Line 7, by inserting after all of said line the following:

**"26.620. 1. There is established within the office of the lieutenant governor a small business advocate. Unless otherwise specifically provided by law, and upon written request by a small business, the small business advocate will serve as a point of contact for the state's small business owners. The advocate will act on behalf of small business owners who have questions or problems involving state government. The small business advocate may also engage in the following activities:**

**(1) Facilitate and coordinate with federal, state, and county agencies and officials on any matter relating to and promoting the interests of small business;**

**(2) Conduct investigations to secure information useful in the promulgation of administrative rules and laws favorable to the interests of small businesses;**

**(3) Refer any appropriate matter to the state auditor for examination or investigation;**

**(4) Do any and all things necessary to effectuate the purposes of this section; and**

**(5) Facilitate meetings involving legislative matters which are of interest to small business.**

**2. The small business advocate shall submit an annual report to the general assembly**

**detailing their activities no later than twenty days prior to convening of the regular session.**

**3. As used in this section, "small business" means a for-profit enterprise consisting of fewer than one hundred full-time or part-time employees.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Yeckel offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 41, Section 135.406, Lines 19-20 of said page, by striking "at least" and inserting in lieu thereof the following: "**no more than**"; and

Further amend said bill and section, Page 42, Line 2 of said page, by inserting immediately after the word "development" the following: "**; but in the event this one-million-dollar set aside is not used in its entirety by September 1 of any year, the balance of the credit may be used by other entities qualifying for tax credits under the capital tax credit program as defined in sections 135.400 to 135.430**".

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

Senator Jacob offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills 1566 & 1810, Page 106, Section 620.1575, Line 5, by inserting after all of said line the following:

"**Section 1. There shall be a faculty representative to the board of curators or the board of regents in each of the educational campus referred to in section 172.010, RSMo, section 174.020, RSMo, section 174.601, RSMo and section 175.010, RSMo, to be appointed and serve in the same manner as provided in sections 172.035 and 172.037, RSMo, except that the provisions of subsections 2, 5, 7 and 8 of section 172.035, RSMo, shall not apply to faculty representatives. Faculty representatives will be chosen in a manner that ensures that the representatives represent the economic interests of the state of Missouri.**"; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Clay raised the point of order that **SA 16** is out of order as it exceeds the original scope of the bill.

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

Senator Jacob offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.766, Line 16, by inserting after all of said line the following:

"**144.049. 1. There is hereby specifically exempted from the provisions of the state sales and use tax law in sections 144.010 to 144.811, and the local sales and use tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.811, and from the computation of the tax levied, assessed or payable pursuant to both state and local sales and use tax law, all retail sales of any article of clothing having a taxable value of one hundred dollars or less during the period beginning 12:01 a.m. on the first Thursday in August next following the effective date of this act through midnight on the following Sunday. For purposes of this section, the term "clothing" means any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands or belt buckles. Any local sales tax revenue lost due to the implementation of the sales tax holiday period defined in this section**

**will be reimbursed by the state and every local political subdivision held harmless.**

**2. The provisions of this section shall expire July first at least twelve months following the effective date of this section.**"; and

Further amend said bill, Page 106, Section C, Line 22, by inserting after all of said line the following:

"Section D. Because of the need to give parents of school children a tax credit, the enactment of section 144.049 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and the enactment of section 144.049 is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."

Further amend the title and enacting clause accordingly.

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

Senator Clay offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section B, Line 1, by inserting before said line the following:

"**Section 1. 1. The Missouri housing development commission shall establish a pilot program, in conjunction with the governing body of any city not within a county, to renovate abandoned houses within any city not within a county, for sale to individuals with incomes at or below three hundred percent of the federal poverty level. The price of the renovated housing sale shall not exceed the costs incurred for the renovation. The buyer of any renovated home may use any available financing mechanism to make the purchase, including any state or federal assistance program.**

**2. The Missouri housing development commission is authorized to issue bonds, notes or other obligations not to exceed ten million dollars to fund the renovation of abandoned housing. Any city not within a county is authorized to issue bonds, notes or other obligations in an amount not to exceed ten million dollars to fund the renovation of abandoned housing, as described in this section.**

**3. Bonds authorized by this section shall be issued pursuant to a resolution adopted by the Missouri housing development commission and the governing body of a city not within a county. Bonds or notes issued pursuant to this section shall set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.**

**4. Such bonds or notes shall bear interest at a rate set by the Missouri housing development commission and the governing body of any city not within a county which is establishing such pilot program as described in this section, and shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.**

**5. Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes.**

**6. Bonds or notes issued by the Missouri housing development commission or the governing body of a city not within a county shall be payable as to principal, interest and redemption premium, if any, out of the revenues**

**from the sale of the renovated abandoned houses. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the Missouri housing development commission or the governing body of a city not within a county within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the Missouri housing development commission or the governing body of a city not within a county shall not be obligated to pay such bond or interest on such bond except from the revenues received from the sale of the renovated abandoned houses, and that neither the full faith or credit or taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions the Missouri housing development commission and the governing body of a city not within a county may provide in their resolutions authoring the issuance of such bonds.**

**7. Any city not within a county shall use all funds received from the issuance of such bonds to fund the housing renovation program pursuant to this section.**

**8. A commission is hereby established to administer the programs created by this section. This commission shall be composed of five members, two appointed by the Missouri housing development commission, two appointed by the mayor of any city not within a county which is establishing such pilot program as described in this section, and one member to be the mayor of said city, or the mayor's delegate.**

**9. A jobs training program is hereby established, to be funded by the five dollar court filing fee established by this section, to create employment opportunities for persons living in any city not within a county which established such pilot program as described in this section. The commission established by this section shall be authorized to seek federal and private funding sources to support this program.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Bentley offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 14, Section 67.1401, Line 21, by inserting after all of said line the following:

"67.1442. Upon the written request of any real property owner within a city having a population of at least one hundred forty-nine thousand, located in a noncharter county of the first classification with a population of at least two hundred seven thousand, the governing body of the municipality may hold a public hearing for the removal of real property from such district or moved from one zone designation of the district to another zone designation of the district and such real property may be removed from such district or moved from one zone designation of a district to another zone designation of the same district, provided that:

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

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

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

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

(b) The name of the district;

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

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

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 and 1810, Page 66, Section 260.285, Line 3, by inserting immediately after said line the following:

"334.108. 1. As used in this section, a "covenant not to compete" means an agreement or part of a contract of employment in which the covenantee agrees for a specific period of time and within a particular area to refrain from competition with the covenantor.

2. A covenant not to compete is not enforceable if it is ancillary to or part of an otherwise enforceable agreement with a not-for-profit hospital organized under chapter 81, 82, 96, 205, 206 or 355, RSMo.

3. Except as provided in subsection 2 of this section, a covenant not to compete is enforceable against a person licensed as a physician by the Missouri state board of registration for the healing arts pursuant to this chapter if it is ancillary to or part of an otherwise enforceable agreement with a health carrier as defined in section 376.1350, RSMo, at the time the agreement is made to the extent that it contains limitations as to time, geographical area, and scope of activity to be restrained that are reasonable and do not impose a greater restraint than is necessary to protect the goodwill or other business interest of the physician.

4. A covenant entered into pursuant to this section shall:

(1) Not deny the physician access to a list of his patients whom he had seen or treated within one year of termination of the contract or employment;

(2) Provide access to medical records of the physician's patients upon authorization of the patient and any copies of medical records for a reasonable fee pursuant to section 191.227, RSMo;

(3) Provide that any access to a list of patients or to patients' medical records after termination of the contract or employment shall be provided in the format that such records are maintained except by mutual consent of the parties to the contract;

(4) Provide for a buy out of the covenant by the physician at a reasonable price or, at the option of either party, as determined by a mutually agreed upon arbitrator whose decision shall be binding on the parties or, in the case of an inability to agree, an arbitrator of the court whose decision shall be binding on the parties; and

(5) Permit the physician to provide continuing care and treatment to a specific patient or patients during the course of an acute illness even after the contract or employment has been terminated.

5. This section applies to a covenant entered into on or after August 28, 2000."; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 24, Section 67.1545, Line 18, by adding after all of said line the following:

"71.014. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county

which borders a county of the first classification with a charter form of government with a population in excess of [nine hundred thousand,] **six hundred fifty thousand,** proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record in all tracts located within the area to be annexed."; and

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

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

Senator Scott offered **SA 22**, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting after all of said line the following:

"**Section 1. Any person acting in the course of general duties shall not be held personally liable regardless of the date of the act. This section shall not apply to any intentional criminal act.**"

Further amend title and enacting clause accordingly.

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

Senator DePasco offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 & 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

**"82.1050. 1. Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants shall submit a registration form to the governing body of such city pursuant to this section.**

**2. The registration form shall be developed by the governing body of such city and shall contain:**

**(1) The name, personal address, business address and telephone numbers of the landlord;**

**(2) The address of each property located in the city that is owned and leased by the landlord;**

**(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision; and**

**(4) Any other information that the governing body of such city deems necessary to enhance compliance with city public safety and code regulations.**

**3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first thereafter, the city shall issue a report to the governor, the speaker of the house of representatives and the president pro tempore of the senate as to the effectiveness of the compilation of the forms in ensuring greater efficiency in compliance with, and enforcement of, public safety and code regulations.**

**4. This section shall be of no force and effect on or after January 1, 2006.**

**5. This section shall apply only to individuals and entities that own five or more pieces of rental property; and**

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate

Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.535, Line 4, by inserting immediately after all of said line the following:

"148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or interinsurance exchange to the extent attributable to the principal business as such attorney in fact, [under] **pursuant to** any law of this state. **For any tax year beginning on or after January 1, 2002, any deduction for examination fees paid during tax year 2002 or thereafter which exceeds premium taxes payable for that tax year shall not be refunded, but may be carried forward to subsequent tax years until exhausted.**"; and

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

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

Senator Rohrbach offered **SA 25**, which was read:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Pages 60-64, Sections 205.571, 205.573, 205.575, 205.577, by deleting all of said sections; and

Further amend the title and enacting clause accordingly.

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

Senator Flotron offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 3, Section 32.105, Line 1, by inserting before all of said line the following:

"**32.045. 1. There is established within the office of administration the "Department of Revenue Oversight Board". The oversight board shall be composed of nine members, as follows:**

**(1) Seven members shall be individuals who are not otherwise state officers or employees and who meet the qualifications described in subsection 2 of this section and who are appointed by the governor with the advice and consent of the senate;**

**(2) One member shall be the director of revenue; and**

**(3) One member shall be an individual who is, and has been for at least five years prior to appointment, a full-time employee of the department of revenue and who shall be appointed by the governor with the advice and consent of the senate.**

**2. Members of the oversight board described in subdivision (1) of subsection 1 of this section shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the areas as follows:**

**(1) At least one member shall have experience in the tax laws of this state, including tax administration and compliance;**

**(2) At least one member shall have experience in information technology;**

**(3) At least one member shall have experience in business organization and development in this state;**

**(4) At least one member shall have experience in addressing the needs and concerns of individual income taxpayers of this state;**

**(5) At least one member shall have experience in operating a business with fewer than twenty employees in this state;**

**(6) At least one member shall have experience in operating a business with more than twenty and fewer than one hundred employees, with a headquarters located within this state; and**

**(7) At least one member shall have experience in operating a business with more than one hundred employees, with a**

**headquarters located within this state.**

**3. Each member of the board, other than the director of revenue, shall be appointed for a term of five years, except that of the members initially appointed to the board, two members shall be appointed for a term of two years, two members shall be appointed for a term of three years, two members shall be appointed for a term of four years, and two members shall be appointed for a term of five years. Such members shall not serve more than one five-year term. Any vacancy on the oversight board shall be filled by a person with expertise in the same area as the person's predecessor, and shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term and may be reappointed to one full five-year term at the end of the original term.**

**4. The oversight board shall oversee the department in its administration, management, conduct, direction, execution and application of the tax laws of this state. Specifically, the board shall be responsible for the following:**

**(1) Review and approval of department of revenue strategic plans, including the establishment of mission and objectives and standards of performance relative to either;**

**(2) Review of the department's operational functions, including any plans for tax system modernization, outsourcing, training and education;**

**(3) Overseeing management of the department by recommending candidates for the director of revenue position to the governor, recommending removal of the director, if necessary, and reviewing the selection and evaluation of the senior staff of the department;**

**(4) Reviewing and approving or disapproving any director's plan for major reorganization of the department to ensure such reorganization serves the best interests of the taxpayers of this state;**

**(5) Overseeing the department's budget requests through review and approval of such requests prior to submittal to the legislature, ensuring the budget requests support the department's strategic plan;**

**(6) Ensuring the proper treatment of taxpayers by auditors and other department employees.**

**5. Tax information deemed confidential under the provisions of section 32.057 shall remain confidential and disclosure of such confidential tax information shall be allowed to board members only in accordance with the provisions of section 32.057, unless a taxpayer specifically authorizes disclosure of tax information in writing. Upon receipt of a written disclosure authorization, the department shall provide tax information regarding the taxpayer to the board. Records pertaining to the overall operation of the department's tax collection and administration, the disclosure of which is not limited by section 32.057, shall be provided to any member of the board as soon as reasonably possible following receipt by the department of revenue of a written request for such information by the board member.**

**6. All actions of the board shall be approved by a simple majority vote of the board.**

**7. In accordance with the provisions of subdivision (6) of subsection 4 of this section, and notwithstanding the provisions of any other law to the contrary, the board shall review and approve any tax administration action or collection activity that impacts a large number of businesses within a particular industry or group of taxpayers prior to department of revenue taking such action or pursuing such activity. Some factors the board shall consider include:**

**(1) Whether the action or activity is consistent with previous instructions given to members of the industry, both formal and informal, by the department of revenue through verifiable telephone conversations, informal letters or regulations promulgated by the department;**

**(2) Whether the action or activity is consistent with previous industry practices with regard to the issue at hand, determined by testimony of other businesses in the same industry;**

**(3) Whether the action or activity is consistent with any final decision issued by a court of competent jurisdiction or the administrative hearing commission regarding the issue at hand;**

**(4) The monetary impact of the action or activity on the industry as a whole; and**

**(5) Any other factor that, in the opinion of the board, should be considered in the interest of the fair treatment of taxpayers by the department of revenue.**

**8. If the board, by majority vote, determines that an action or activity of the department as determined under subsection 7 of this section is improper, the board shall have the authority to direct the department to follow a course of action deemed acceptable to a majority of the members of the board.**

**9. Any decision of the board shall be consistent with existing statutes and decisions of a court of competent jurisdiction or the administrative hearing commission regarding the issue.**

**10. Any decision of the board may be appealed to the administrative hearing commission in the same manner as the procedure provided for appeal of decisions of the director of revenue as provided in section 621.050, RSMo, provided that any such appeal is filed within sixty days of the date the decision is issued by the board.**

**11. Taxpayers may personally represent themselves in any proceedings of the board. In the case of a business, any owner, partner or officer of the company may represent the business in any proceedings of the board.**

**12. Each member of the board shall be reimbursed for reasonable and necessary expenses, including travel expenses, actually incurred in the performance of his or her official duties.**

**13. Meetings of the board shall be held at least once per month and shall be subject to the provisions of chapter 610, RSMo, regarding meetings of governmental bodies. Records shall be maintained of all meetings and shall be subject to the provisions of chapter 610, RSMo, regarding public records except where disclosure of such records would violate the provisions of section 32.057, in which case the provisions of section 32.057 shall prevail.** ";and

Further amend the title and enacting clause accordingly.

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

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

Senator Goode offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 & 1810, Page 57, Section 135.535, Line 16 of said page, by inserting after all of said line the following:

"144.757. 1. Any county or municipality, except municipalities within a county of the first classification 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 [the authority granted by the provisions of this act] **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 prior to August 7, 1996, or after December 31, 1996, a proposal to authorize the governing body of the county or municipality to impose a local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. Municipalities within a county of the first classification 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 of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

[Shall the county governing body be authorized to impose a local use tax which is equal to the total of the existing county sales tax of one percent and the existing county transportation sales taxes of three-quarters of one percent, provided that if any county 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.] **For the purposes of preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county) Community Comeback Trust Program; and for the purposes of enhancing local government services; shall the county governing body 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 the voter approval, the local use tax rate shall also be repealed, reduced or raised by the same action? The Community Comeback Program shall be required to submit to the public a comprehensive financial report detailing the management and use of funds each year. A use tax is the equivalent of a sales tax on purchases from out-of-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 of the first classification 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 [under the provisions of this act] **pursuant to sections 144.757 to 144.761** 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 [under] **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 and sections 67.478 to 67.493, RSMo, 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 [under this act] **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 [this act] **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 of the first classification 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 [levied pursuant to section 94.660, RSMo,] **in effect for such county** shall be disbursed to the [bi-state agency authorized pursuant to sections 70.370 to 70.441, RSMo, to be used only to provide the local share of construction costs for additional light rail lines] **county community comeback trust fund authorized pursuant to sections 67.478 to 67.493, RSMo**. 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 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 [this act] **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 [under this act] **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.

144.761. 1. No county or municipality imposing a local use tax pursuant to [this act] **sections 144.757 to 144.761** may repeal or amend such local use tax unless such repeal or amendment is submitted to and approved by the voters of the county or municipality in the manner provided in section 144.757; provided, however, that the repeal of the local sales tax within the county or municipality shall be deemed to repeal the local use tax imposed [under this act] **pursuant to sections 144.757 to 144.761**.

2. Whenever the governing body of any county or municipality in which a local use tax has been imposed in the manner provided by [this act] **sections 144.757 to 144.761** receives a petition, signed by fifteen percent of the registered voters of such county or municipality voting in the last

gubernatorial election, calling for an election to repeal such local use tax, the governing body shall submit to the voters of such county or municipality a proposal to repeal the county or municipality use tax imposed [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, shall remain in effect."; and

Further amend said bill, Page 75, Section 348.432, Line 15 of said page, by inserting after all of said line the following:

"353.020. The following terms, whenever used or referred to in this chapter, mean:

(1) "Area", that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "City" or "such cities", any city within this state **and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants; provided that, such a county may exercise the authority granted by this chapter only within the unincorporated area of the county**;

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized [under the provisions of] **pursuant to** this chapter; except that any life insurance company organized [under] **pursuant to** the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project [under] **pursuant to** this chapter, and shall, in its operations with respect to any such redevelopment

project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160."; and

Further amend said bill, Page 106, Section C, Line 12 of said page, by inserting after the word "sections" the following: "67.478, 67.481, 67.484, 67.487, 67.490, 67.493,"; and further amend line 13 of said page, by inserting after the numeral "135.535," the following: "144.757, 144.759, 144.761,"; and further amend line 14 of said page, by inserting after the numeral "348.302," the numeral "353.020,"; and further amend line 18 of said page, by inserting after the word "sections" the following: "67.478, 67.481, 67.484, 67.487, 67.490, 67.493,"; and further amend line 19 of said page, by inserting after the numeral "135.535," the following: "144.757, 144.759, 144.761,"; and further amend said line, by inserting after the numeral "348.302," the numeral "353.020,"; and

Further amend the title and enacting clause accordingly.

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

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 28**, which was read:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line:

"Section 7. In the event that any person, or entity, which has entered into a contract with the state or any political subdivision has been found, or has admitted to be, in violation of any state statute or regulation which relates to the performance of its contract, then that person or entity will be prohibited for three years from entering into any contracts with the state or any political subdivision."; and

Further amend the title and enacting clauses accordingly.

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

Senator Jacob offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 11, Section 32.110, Line 5, by inserting immediately after said line the following:

"67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

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

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

[ ] Yes [ ] No

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

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county to

make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

[ ] Yes [ ] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, 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 pursuant to this section.

3. All revenue received by a county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. **Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.**

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing law enforcement services for the county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any 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 as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales 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 and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the 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 county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for

erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the 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 county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

67.700. 1. Any county, as defined in section 67.724, may, by ordinance or order, impose a sales tax on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for any capital improvement purpose designated by the county in its ballot of submission to its voters; provided, however, that no ordinance or order enacted pursuant to the authority granted by sections 67.700 to 67.727 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 67.700 to 67.727. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.

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

Shall the county of ..... (county's name) impose a countywide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert capital improvement purpose)?

{ } YES { } NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax authorized by sections 67.700 to 67.727 unless and until the governing body of the county shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of sections 67.700 to 67.727 and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a county from the tax authorized by sections 67.700 to 67.727 which has been designated for a certain capital improvement purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the voters under subsection 2 of this section or if the tax authorized by sections 67.700 to 67.727 is repealed under section 67.721, all funds remaining in the special trust fund shall continue to be used solely for such designated capital improvement purpose**, including the payment of principle and interest on any bonds issued to pay for such capital improvement**. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county funds.

4. The sales tax may be imposed at a rate of **one-eighth of one percent,** one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

5. In addition to the rates provided in subsection 4 of this section, any county of the first class without a charter form of government which adjoins a county of the first class containing part of a city containing more than three hundred fifty thousand inhabitants and which also adjoins a county of the third class having a township form of government shall also be authorized to (1) levy such sales tax at a rate of one-eighth of one percent; or (2) levy such sales tax at a rate of one-fourth of one percent in conjunction with a reduction in its property tax levy or levies for general revenues or for funding the maintenance of roads and bridges, or both, for each year in which the sales tax is imposed. Such reduction shall be in an amount sufficient to decrease the property taxes it will collect by not less than fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied. If in the immediately preceding year a county actually collected less sales tax revenue than was projected for purposes of reducing its property tax levy or levies, the county shall adjust its property tax levy or levies for the current year to reflect such decrease. Any such county seeking voter approval of the sales tax alternative authorized in this subsection shall include in the ballot of submission authorized in subsection 2 of this section language clearly stating the appropriate percentage of the sales tax revenue shall be used for property tax reduction as provided herein. For purposes of this subsection, the term "sales tax revenue collected" shall have the meaning provided in section 67.500."; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 11, Section 32.110, Line 5 of said page, by inserting at the end of said line the following:

"32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

(1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;

(2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030, RSMo;

(3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;

(4) The tax on other financial institutions in chapter 148, RSMo;

(5) The corporation franchise tax in chapter 147, RSMo;

(6) The state income tax in chapter 143, RSMo; [and]

(7) The annual tax on gross receipts of express companies in chapter 153, RSMo**; and**

**(8) The tax on net deposits, net premiums or net assets of insurance carriers as determined in section 287.690, RSMo**.

2. For proposals approved pursuant to section 32.100:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less

inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture.

Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhhod experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education , job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530, RSMo, by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total

amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupants shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with provisions of sections 32.100 to 21.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If any any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 21.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the ownder, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

**6. The provisions of subdivision (8) of subsection 1 of this section shall apply to all tax years beginning on or after January 1, 2000.**".

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

Senator Wiggins offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 and 1810, Page 75, Section 348.432, Line 14, by inserting after all of said line the following:

"393.705. As used in sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Bond" or "bonds", any bonds, interim

certificates, notes, debentures or other obligations of a commission issued pursuant to sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

(2) "Commission", any joint municipal utility commission established by a joint contract under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

(3) "Contracting municipality", each municipality which is a party to a joint contract establishing a commission under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, a water supply district formed under the provisions of chapter 247, RSMo, or a sewer district formed pursuant to the provisions of chapter 204, RSMo, or chapter 249, RSMo;

(4) "Joint contract", the contract entered into among or by and between two or more [contracting municipalities, between municipalities and public water supply districts, or between municipalities and sewer districts] **of the following contracting entities** for the purpose of establishing a commission**:**

**(a) Municipalities;**

**(b) Public water supply districts;**

**(c) Sewer districts;**

**(d) Nonprofit water companies; or**

**(e) Nonprofit sewer companies**;

(5) "Person", a natural person, cooperative or private corporation, association, firm, partnership, or business trust of any nature whatsoever, organized and existing under the laws of any state or of the United States and any municipality or other municipal corporation, governmental unit, or public corporation created under the laws of this state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof;

(6) "Project", the purchasing, construction, extending or improving of any revenue-producing water, sewage, gas or electric light works, heating or power plants, including all real and personal property of any nature whatsoever to be used in connection therewith, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission, distribution excluding retail sales, purchase, sale, exchange, transport and treatment of sewage or interchange of water, sewage, electric power and energy, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such purposes.

393.715. 1. The general powers of a commission to the extent provided in section 393.710 herein and subject to the provisions of section 393.765 herein 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 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 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;

(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 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 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; and provided further that such locations and areas previously receiving service from such nonprofit entity are not located within:**

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

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

**(c) The certificated area of a water corporation that is subject to the jurisdiction of the public service commission. New water or sewer service may be provided by the commission in all areas previously serviced by the nonprofit entity.**"; and

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

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

Senator Wiggins offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 64, Section 205.577, Line 17, by inserting after all of said line the following:

"247.030. 1. Territory that may be included in a district sought to be incorporated or enlarged may be wholly within one or in more than one county, may take in school districts or parts thereof, and cities that do not have a waterworks system or cities whose governing body has by a majority vote requested that the city or part thereof be included within the boundaries of a public water supply district. For the purpose of this section, "city" means any city, town or village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in the circuit court of the county in which the largest acreage is located. No two districts shall overlap.

2. Any two or more contiguous districts or any city and a contiguous district may, if there are no outstanding general obligation bonds relating to drinking water supply projects in either entity, by a majority vote of the governing body of each entity, provide for territory located in one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of the proposed annexation shall be filed with the circuit court that originally issued the decree of incorporation for a district which is detaching territory through the proposed annexation or with the circuit court that originally issued the decree of incorporation for a district which is including a city or part thereof through the proposed annexation. The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as for the filing of the original petition for incorporation; except that publication of notice shall not be required if a majority of the landowners in the territory proposed to be annexed consent in writing, and if notice of the hearing is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing. If publication of the notice is not required pursuant to this section, the court shall only approve the proposed annexation if there is sworn testimony by at least five landowners in the area of the proposed annexation, or a majority

of the landowners, if there are fewer than ten landowners in the area. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from the one entity and annexed to the other. After the annexation is approved, the circuit court in which each district involved in the proceedings was incorporated shall amend the decree of incorporation for each district to reflect the change in the boundaries as a result of the annexation and to redivide each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts have approximately the same area. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county having territory in the district and in the office of the secretary of state of the state of Missouri.

3. The boundaries of any district may be extended or enlarged from time to time upon the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

(1) The board of directors of the district and five or more voters within the territory proposed to be annexed by the district; or

(2) A majority of the landowners within the territory proposed to be annexed to the district.

If the petition is filed by a majority of the landowners within the territory proposed to be annexed, the publication of notice shall not be required, provided notice is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory proposed to be annexed, or a majority of the landowners if the total landowners in the area are fewer than ten. Upon the entry of a final order declaring the court's decree of annexation to be final and conclusive, the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district.

4. Should any voter who owns real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, the voter shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

**5. In the event that the district becomes the successor, upon dissolution, to any joint municipal utility commission established by the district and any of the contracting entities described in subdivision (4) of section 393.705, RSMo, then, upon the petition of the board of directors to the circuit court, the court shall amend the boundaries of such district to incorporate any area previously served by the dissolved joint municipal utility commission that the district intends to continue to serve with water or sewer service. The court shall also modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable.**

247.050. The following powers are hereby conferred upon public water supply districts organized under the provisions of sections 247.010 to 247.220:

(1) To sue and be sued;

(2) To purchase or otherwise acquire water for the necessities of the district;

(3) To accept by gift any funds or property for the uses and purposes of the district;

(4) To dispose of property belonging to the district, under the conditions expressed in sections 247.010 to 247.220;

(5) To build, acquire by purchase or otherwise, enlarge, improve, extend and maintain a system of waterworks, including fire hydrants;

(6) To contract and be contracted with;

(7) To condemn private property within or without the district, needed for the uses and purposes in sections 247.010 to 247.220 provided for;

(8) To lease, acquire and own any and all property, equipment and supplies needed within or without the district in the successful operation of a waterworks system;

(9) To contract indebtedness and issue general or special obligation bonds, or both, of the district therefor, as herein provided;

(10) To acquire by purchase or otherwise, a system of waterworks, and to build, enlarge, improve, extend and equip such system for the uses and purposes of the district;

(11) To certify to the county commission or county commissions of the county or counties within which such district is situate, the amount or amounts to be provided by the levy of a tax upon all taxable property within the district to create an interest and sinking fund for the payment of general obligation bonds of the district and the interest thereon; and also

(12) To create an incidental fund to take care of all costs and expenses incurred in incorporating the district, and all obligations contracted prior thereto and connected therewith; and

(13) To purchase equipment and supplies needed in the operation of the water system of the district; provided, however, that the power to create an incidental fund by the levy of a general property tax shall cease after two annual levies therefor shall have been made, and such levy shall not exceed fifteen cents per annum on each one hundred dollars assessed valuation of taxable property within the district;

(14) To provide for the collection of taxes and rates or charges for water and water service;

(15) To sell and distribute water to the inhabitants of the district and to consumers outside the district, delivered within or at the boundaries of the district; **provided that, upon dissolution of any joint municipal utility commission established by the district and any municipality, public water supply district, sewer district, nonprofit water company or nonprofit sewer company, the district may continue to serve those locations and areas previously receiving service from the commission, regardless of whether or not such location receives such service outside the boundaries of such district; and provided further that such locations and areas previously receiving service from the commission are not located within:**

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

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

**(c) The certificated area of a water corporation that is subject to the jurisdiction of the public service commission;**

(16) To fix rates for the sale of water; and

(17) To make general rules and regulations in relation to the management of the affairs of the district."; and

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

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

Senator Ehlmann offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts

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

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

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

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but

excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

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

**4. For redevelopment projects proposed on or after July 1, 2001, in any county of the first classification with a charter form of government with a population of at least two hundred twelve thousand but less than two hundred fourteen thousand, prior to a municipality passing an ordinance adopting tax increment allocation financing, approval is required of any taxing district which would be required to make payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project, before the payments in lieu of taxes of that taxing district may be included in tax increment allocation financing. The taxing district may register its approval by adoption of a resolution.**

**5. For redevelopment projects proposed on or after July 1, 2001, in any county of the first classification with a charter form of government with a population of at least two hundred twelve thousand but less than two hundred fourteen thousand, prior to a municipality passing an ordinance adopting tax increment allocation financing, approval is required of any taxing district which would be required to make payment of a portion of additional revenue from taxes imposed by that taxing district which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, before the increased economic activity taxes of that taxing district may be included in tax increment allocation financing. The taxing district shall register its approval by adoption of an ordinance.**

**[4.] 6.** Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections [4 to 12] **6 to 14** of this section, in addition to the payments in lieu of taxes and economic activity taxes described

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

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

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

[7.] **9.** In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection [10] **12** of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

[8.] **10.** For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection [10] **12** of this section; or

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

[9.] **11.** Subsection [4] **6** of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time

of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

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

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

[10.] **12.** The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections [4 and 5] **6 and 7** of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

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

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

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

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

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

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

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

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

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic

development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

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

[11.] **13.** In addition to the areas authorized in subsection [9] **11** of this section, the funding authorized pursuant to subsection [4] **6** of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

[12.] **14.** There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections [4 and 5] **6 and 7** of this section if and only if the conditions of subsection [10] **12** of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

[13.] **15.** All personnel and other costs incurred by the department of economic development for the administration and operation of subsections [4 to 12] **6 to 14** of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection [10] **12** of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development."; and

Further amend the title and enacting clause accordingly.

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

Senator Maxwell offered **SA 34**:

SENATE AMENDMENT NO. 34

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.535, Line 4, by inserting after all of said line the following:

"**135.760. 1. For all taxable years beginning on or after January 1, 2001, a resident individual who is allowed a federal earned income tax credit pursuant to section 32 of the Internal Revenue Code shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to one-half percent of the allowable federal earned income tax credit. The tax credit allowed by this section shall be claimed by such individual at the time such individual files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo. Where the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer or carried forward into any subsequent taxable year.**

**2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become**

**effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

**3. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to subsection 1 of this section may qualify for the credit, and shall notify any qualified claimant of his or her potential eligibility, where the department determines such potential eligibility exists.**

**4. Any tax credit allowed pursuant to this section shall be excluded from the calculation of Missouri adjusted gross income, as defined in section 143.121, RSMo.**"; and

Further amend the title and enacting clause accordingly; and

Further amend said bill, Page 1-2, in the Title, last line of Page, by striking all of said lines and inserting in lieu thereof "new section relating to the same subject"; and

Further amend said bill, Page 1, in the Title, Line 3, by striking "sales tax exemptions" and inserting in lieu thereof "taxation"; and

Further amend said bill, Title, Last Line of Page 1 and first two lines Page 2, by striking "tax credit programs administered by the department of economic development" and inserting in lieu thereof the following: "taxation".

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

Senator Bentley offered **SA 35**:

SENATE AMENDMENT NO. 35

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 64, Section 205.577, Line 3, by deleting lines 3 through 10 and place in lieu thereof:

"205.577. 1. There is hereby established the "Family and Community Trust-Childrens Services Commission Oversight Board." The committee shall be comprised of the legislative members of the Childrens Services Commission.".

Senator Bentley moved that the above amendment be adopted.

President Wilson assumed the Chair.

At the request of Senator Bentley, **SA 35** was withdrawn.

Senator Bentley offered **SA 36**:

SENATE AMENDMENT NO. 36

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line the following:

"**Section 1. For any project approved and adopted by a political subdivision located within a city having a population of at least one hundred forty-nine thousand, located in a noncharter county of the first classification with a population of at least two hundred seven thousand, which has complied with subsections 4 to 12 of section 99.845, RSMo, in addition to the payments in subsections 1, 2, 3 and 10 of section 99.845, RSMo, an additional fifty percent of new state revenues may be appropriated by the general assembly in accordance with procedures in subsection 10 of section 99.845, RSMo, provided new sales tax revenues generated by sales inside or on the grounds of, or sales of tickets to any event in, or parking associated with a project defined by section 67.639, RSMo, are used solely for the purpose of development and construction of the project including related public infrastructure and the repayment of any indebtedness or other obligations incurred for the project. The determination of declining population or property taxes required by subdivision (1) of subsection 9 of section 99.845, RSMo, shall be based upon decennial census data.**"; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above

amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 37**:

SENATE AMENDMENT NO. 37

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.535, Line 4, by inserting after all of said line the following:

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

**(1) "Contribution", a donation of cash, stock, bonds or other marketable securities;**

**(2) "Director", the director of the department of social services;**

**(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**

**(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;**

**(5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:**

**(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and**

**(b) Where childbirths are not performed; and**

**(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and**

**(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and**

**(e) Which provides its services at no cost; and**

**(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.**

**5. The director shall determine, at least**

**annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.**

**6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.**

**7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.**

**8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.**

**9. This section shall become effective January 1, 2001, and shall apply to all tax years after December 31, 2000.**"; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 37** is out of order as it goes beyond the scope and purpose of the original bill.

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

Senator Childers offered **SA 38**, which was read:

SENATE AMENDMENT NO. 38

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 62, Section 205.573, Line 1, by inserting after the period on said line the following:

"**The provisions of sections 205.571 through 205.577 shall expire on Jan. 1, 2004.**".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 38** was withdrawn.

Senator Johnson assumed the Chair.

Senator Bland offered **SA 39**:

SENATE AMENDMENT NO. 39

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 48, Section 135.484, Line 2, by inserting after all of said line the following:

"135.530. For the purposes of sections 100.010, 100.710 and 100.850, RSMo, sections 135.110, 135.200, 135.258, 135.313, 135.403, 135.405, 135.503, 135.530 and 135.545, section 215.030, RSMo, sections 348.300 and 348.302, RSMo, and sections 620.1400 to 620.1460, RSMo, "**distressed community**" means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least two thousand five hundred, and each block group having a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition the definition shall include municipalities not in a metropolitan statistical area, with a median household income of under seventy percent of the median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a census block group or contiguous group of block groups which has a population of at least two thousand five hundred each block group having a median household income of under seventy percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census. **In addition the definition shall include the area bounded on the North by the Missouri River, on the East by Interstate 435, on the South by 80th Street, and on the West by Troost, in a city with a population of at least four hundred thousand and located in more than one county**"; and further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered **SA 40**:

SENATE AMENDMENT NO. 40

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Pages 60-64, Sections 205.571-205.575, by deleting all of said sections; and

Further amend said bill, page 64, section 205.577, lines 4 and 5 of said page, by deleting the words "Family and Community Trust" on said lines and inserting in lieu thereof the words "Caring Communities-Children's Services Commission Oversight Board"; and

Further amend said bill, page and section, lines 4-10, by deleting all of said lines after the "." on line 4; and

Further amend said bill, page and section, line 12, by deleting the words "family and community trust" and inserting in lieu thereof the words "caring communities".

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

Senator Wiggins offered **SA 41**:

SENATE AMENDMENT NO. 41

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5 of said page, by inserting immediately after said line the following:

"**Section 1. The state's portion of all sales tax revenue collected pursuant to sections 144.010 to 144.525, RSMo, when generated by sales inside, on the grounds of, or for tickets to any event in any:**

**(1) Sports complex located in any county of the first classification with a charter form of government and having a population of more than six hundred thousand but less than nine hundred thousand inhabitants, provided that such complex is under the jurisdiction of any sports complex authority created pursuant to sections 64.920 to 64.950, RSMo, shall, subject to appropriations, be placed in the convention**

**and sports complex fund established pursuant to section 67.639, RSMo; or**

**(2) Multi-purpose facility located in and owned by any constitutional charter city not within a county for so long as said multi-purpose facility is owned by said constitutional charter city not within a county, shall, subject to appropriation, be placed in a specially designated account established by the collector of revenue of said constitutional charter city not within a county which account shall not, the provisions of section 33.080, RSMo, to the contrary notwithstanding, be transferred and placed to the credit of the general revenue fund at the end of each biennium, for the sole purpose of maintenance and refurbishment of such complex or facility respectively, including the repayment of any indebtedness or other obligations incurred for maintenance and refurbishment. Such moneys shall, where applicable, be in addition to any amount appropriated pursuant to section 67.641, RSMo, to any convention and sports complex fund created pursuant to section 67.639, RSMo.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Kenney offered **SA 42**:

SENATE AMENDMENT NO. 42

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting after all of said line the following:

"**Section 1. Regional research cansortia within a city which lies partially or wholly within an area designated as a distressed community may apply for grants from the state for the purpose of conducting health research, including research into the prevention and cessation of smoking.**"; and

Further amend the title and enacting clause accordingly.

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

Senator House offered **SA 43**:

SENATE AMENDMENT NO. 43

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6 of said page, by inserting after all of said line the following:

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

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

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real

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

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

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

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property

taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

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

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

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

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

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

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

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

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

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

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

**(3) Contains the site of a county convention and sports facilities authority established pursuant to sections 67.1150 to 67.1158, RSMo**.

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

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

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

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

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

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

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

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

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

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the

director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

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

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

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

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

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

Further amend the title and enacting clause accordingly.

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

Senator Bland offered **SA 44**:

SENATE AMENDMENT NO. 44

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"92.336. The revenues received from the tax authorized under sections 92.325 to 92.340 shall be

used exclusively for the advertising and promotion of convention and tourism business for the city from which it is collected, subject to the following requirements:

(1) Not less than forty percent of the proceeds of any tax imposed pursuant to subdivision (1) of section 92.327 shall be appropriated and paid to a general not for profit organization, with whom the city has contracted, and which is incorporated in the state of Missouri and located within the city limits of such city, established for the purpose of promoting such city as a convention, visitors and tourist center with the balance to be used for operating expenses and capital expenditures, including debt service, for sports, convention, exhibition, trade and tourism facilities located within the city limits of the city;

(2) Not less than ten percent of the proceeds of any tax imposed pursuant to subdivision (1) of section 92.327 shall be appropriated to a fund that hereby shall be established and called the "Neighborhood Tourist Development Fund". Such moneys from said funds shall be paid to not for profit neighborhood organizations with whom the city has contracted, and which are incorporated in the state of Missouri and located within the city limits of such city established for the purpose of promoting such neighborhood through cultural, social, ethnic, historic, educational, and recreational activities in conjunction with promoting such city as a convention, visitors and tourist center**, and which shall use the funds at its discretion. The city shall provide assistance to such neighborhood organizations regarding accounting and use of such funds, when so requested.**;

(3) The proceeds of any tax imposed pursuant to subdivision (2) of section 92.327 shall be used by the city only for capital expenditures, including debt service, for sports, convention, exhibition, trade and tourism facilities located within the city limits of the city.”; and

Further amend the title and enacting clause accordingly.

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

Senator Wiggins offered **SA 45**:

SENATE AMENDMENT NO. 45

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 57, Section 135.766, Line 16, by inserting after all of said line the following:

“144.805. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo[,]**:**

**(a)** All sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year **and, except as provided in subsection 4 of Section 155.080, shall be exempt from taxation on the first one million dollars of sales tax or purchases other than aviation jet fuel; and**

**(b) Any common carrier engaged in the interstate air transportation of passengers and cargo which has a national corporate headquarters located in this state and uses as a hub for its operations an airport located within this state, and either purchases, stores, uses or consumes within this state less than three million gallons of aviation jet fuel per month on average throughout the calendar year shall, except as provided in subsection 4 of section**

**155.080, be exempt from taxation on the first one hundred fifty thousand dollars on the purchase of aviation jet fuel**.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable [to the aviation jet fuel so purchased, stored, used and consumed]. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year**, or up to the maximum aggregate amount of one hundred fifty thousand dollars in each calendar year, whichever is applicable**. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. [Effective September 1, 1998, all sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year.

5.] The provisions of this section and section 144.807 shall expire on December 31, [2003] **2004**.

155.080. 1. There is hereby imposed a use tax on each gallon of aviation fuel used in propelling aircraft with reciprocating engines. The tax is imposed at the rate of nine cents per gallon. Such tax is to be collected and remitted to this state or paid to this state in the same manner and method and at the same time as is prescribed by chapter 142, RSMo, for the collection of the motor fuel tax imposed on each gallon of motor fuel used in propelling motor vehicles upon the public highways of Missouri.

2. All applicable provisions contained in chapter 142, RSMo, governing administration, collection and enforcement of the state motor fuel tax shall apply to this section, including but not limited to reporting, penalties and interest.

3. Each commercial agricultural aircraft operator may apply for a refund of the tax it has paid for aviation fuel used in a commercial agricultural aircraft. All such applications for refunds shall be made in accordance with the procedures specified in chapter 142, RSMo, for refunds of motor fuel taxes paid. If any person who is eligible to receive a refund of aviation fuel tax fails to apply for a refund as provided in chapter 142, RSMo, he makes a gift of his refund to the aviation trust fund.

**4. Effective from September 1, 1998 until December 31, 2008, all sales and use tax revenues upon aviation jet fuel received pursuant to chapter 144, RSMo, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, RSMo, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not be less than that credited in fiscal year 2001 and shall not exceed six million dollars in each calendar year.**

305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The state commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The state commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or

jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the state commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the state commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to [eighty] **ninety** percent state/[twenty] **ten** percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(2) As total funds, with no local match:

(a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;

(b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly

basis or the publishing and distribution of any public interest information deemed necessary by the state commission;

(c) For the conducting of aviation safety workshops;

(d) For the promotion of aerospace education;

(3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the Department of Defense, except no more than one hundred twenty-five thousand dollars per year may be used for any individual control tower.

5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the Missouri department of transportation. For projects designated as emergencies by the Missouri department of transportation, all requirements relating to normal procurement of engineering and construction services are waived.

6. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section 176.010, RSMo, or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport."; and

Further amend the title and enacting clause accordingly.

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

Senator Childers offered **SA 46**, which was read:

SENATE AMENDMENT NO. 46

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 64, Section 205.577, Line 17, by inserting after the period on said line the following:

"**The provisions of sections 205.571 through 205.577 shall expire on Jan. 1, 2004.**".

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

Senator Maxwell offered **SA 47**:

SENATE AMENDMENT NO. 47

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line the following:

"**Section 1. For every corporation who shall enter into a transaction for the sale of land to the institution referred to in section 174.600, RSMo, such corporation shall be entitled to an income tax credit equal to fifty percent of the amount the purchase price of such land is less than the assessed value of such land operating as an institution defined in subsection 2 of section 197.020, RSMo.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, be adopted, which motion prevailed.

Senator Scott was recognized to close on the 3rd reading of the bill.

President Pro Tem Quick referred **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, to the Committee on State Budget Control.

## REPORTS OF STANDING COMMITTEES

On behalf of Senator Mathewson, Chairman of the Committee on State Budget Control, Senator Quick submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **HS** for **HCS** for **HB 1076**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 28**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

## HOUSE BILLS ON THIRD READING

Senator Stoll moved that **SCS** for **HS** for **HCS** for **HB 1076**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

Senator Staples assumed the Chair.

On motion of Senator Stoll, **SCS** for **HS** for **HCS** for **HB 1076**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|---|---|---|---|
| Bentley | Bland | Carter | Caskey |
| Childers | Clay | DePasco | Ehlmann |
| Flotron | Goode | Graves | House |
| Howard | Jacob | Johnson | Kenney |
| Kinder | Klarich | Maxwell | Mueller |
| Quick | Rohrbach | Russell | Scott |
| Sims | Staples | Steelman | Stoll |
| Westfall | Wiggins | Yeckel—31 | |

NAYS—Senators

Schneider Singleton—2

Absent—Senators—None

Absent with leave—Senator Mathewson—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

| | | | |
|---|---|---|---|
| Bentley | Bland | Carter | Caskey |
| Childers | Clay | DePasco | Ehlmann |
| Flotron | Goode | Graves | House |
| Howard | Jacob | Johnson | Kenney |
| Kinder | Klarich | Maxwell | Mueller |
| Quick | Rohrbach | Russell | Scott |
| Sims | Staples | Steelman | Stoll |
| Westfall | Wiggins | Yeckel—31 | |

NAYS—Senators

Schneider Singleton—2

Absent—Senators—None

Absent with leave—Senator Mathewson—1

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

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

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

## MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 813**, as amended: Representatives Kissell, Britt, McLuckie, Dolan and Barnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 1053**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 2** to **SJR 50** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **HCS** for **SB 944**, as amended and has taken up and passed **CCS No. 2** for **HCS** for **SB 944**, as amended by the **CCA 1**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SJR 50**, as amended: Representatives Scheve, O'Toole, Foley, Surface and Griesheimer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 1053**, as amended: Representatives Days, Backer, Gunn, Ross and Tudor.

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SJR 50**, as amended: Senators Stoll, Jacob, Maxwell, Mueller and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **SB 1053**, as amended: Senators Goode, Clay, Wiggins, Flotron and Bentley.

## HOUSE BILLS ON THIRD READING

**HS** for **HB 1238**, with **SCS**, entitled:

An Act to repeal sections 141.220, 141.540 and 141.610, RSMo 1994, sections 67.410 and 139.053, RSMo Supp. 1999, and both versions of section 141.550 as it appears in RSMo Supp. 1999, relating to property ownership, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up by Senator Quick.

**SCS** for **HS** for **HB 1238**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1238

An Act to repeal sections 64.342, 67.1062, 67.1063, 140.160, 141.220, 141.540, 141.610 and 353.020, RSMo 1994, sections 67.410, 67.1461, 82.300, 92.031, 135.481, 139.053, 140.110, 144.757, 144.759, 144.761 and 260.210, RSMo Supp. 1999, and both versions of section 141.550 as it appears in RSMo Supp. 1999, relating to the use and improvement of property, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Quick moved that **SCS** for **HS** for **HB 1238** be adopted.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 28, Section 141.220, Line 4, by striking the words "an independent" and inserting in lieu thereof the words "**a state licensed or certified**".

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

Senator Quick offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 31, Section 141.540, Line 43, by striking "19" and inserting in lieu thereof "**20**".

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

Senator Quick offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Pages 20 to 24, Section 67.1461, Lines 1 to 141, by deleting all of said section and inserting in lieu thereof the following:

"67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

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

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not for profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city located in a county of the first classification or second classification, any city not within a county and any county;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own the fee of real property or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety or tenants in partnership;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

**(a)** For purposes of elections for approval of real property taxes:

[(a)] **a.** Registered voters; or

[(b)] **b.** If no registered voters reside in the district, the [owner] **owners** of **one or more parcels of** real property [per capita] **which is to be subject to such real property taxes and is** located within the district per the tax records **for real property** of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property] as of the thirtieth day prior to the date of the applicable election; [and]

**(b) For purposes of elections for approval of business license taxes or sales taxes:**

**a. Registered voters; or**

**b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and**

(c) For purposes of the election of directors of the board, registered voters and owners of real property **which is not exempt from assessment or**

**levy of taxes by the district and which is located** within the district per the tax records **for real property** of the county clerk, or the collector of revenue if the district is located in a city not within a county, [for real property as] of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.

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

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

(2) To sue and be sued;

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

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

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting or other assistance as it deems advisable;

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

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

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

(9) If the district is a political subdivision, to levy real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) **If the district is a political subdivision in a city with a population of at least four hundred thousand located in more than one county, to levy sales taxes pursuant to sections 67.1401 to 67.1571;**

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

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

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

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

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

[(12)] **(13)** To loan money as provided in sections 67.1401 to 67.1571;

[(13)] **(14)** To make expenditures, create reserve funds and use its revenues as necessary to carry out its powers or duties and the provisions

and purposes of sections 67.1401 to 67.1571;

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

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

(a) Pedestrian or shopping malls and plazas;

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

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

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

(e) Parking lots, garages or other facilities;

(f) Lakes, dams and waterways;

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

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

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

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

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

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

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

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

[(19)] **(20)** Within its boundaries, to lease space for sidewalk café tables and chairs;

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

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

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

[(23)] **(24)** To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

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

[(25)] **(26)** To provide refuse collection and disposal services within the district;

[(26)] **(27)** To contract for or conduct economic, planning, marketing or other studies; and

[(27)] **(28)** To carry out any other powers set forth in sections 67.1401 to 67.1571.

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

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

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

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

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

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

**67.1545. 1. Any district in a city with a population of at least four hundred thousand located in more than one county may impose by resolution a district sales and use tax on all retail sales made in such district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats or outboard motors and sales to public utilities. Any sales and use tax imposed pursuant to this section may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, one-half of one percent or one percent. Such district sales and use tax may be imposed for any district purpose designated by the district in its ballot of submission to its qualified voters; except that, no resolution adopted pursuant to this section shall become effective unless the board of directors of the district submits to the qualified voters of the district, by mail-in ballot, a proposal to authorize a sales and use tax pursuant to this section. If a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the sales tax, then the resolution is adopted. If a majority of the votes cast by the qualified voters are opposed to the sales tax, then the resolution is void.**

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

**Shall the ..... (insert name of district) Community Improvement District impose a community improvement district-wide sales and use tax at the maximum rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of providing revenue for ..... (insert general description of the purpose)?**

**[ ] YES [ ] NO**

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

**3. Within ten days after the qualified voters have approved the imposition of the sales and use tax, the district shall, in accordance with section 32.097, RSMo, notify the director of the department of revenue. The sales and use tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of the department of revenue receives notice of the adoption of such tax.**

**4. The director of the department of revenue shall collect any tax adopted pursuant to this section pursuant to section 32.087, RSMo.**

**5. In each district in which a sales and use tax is imposed pursuant to this section, every retailer shall add such additional tax imposed by the district to such retailer's sale price, and**

**when so added such tax shall constitute a part of the purchase price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price.**

**6. In order to allow retailers to collect and report the sales and use tax authorized by this section as well as all other sales and use taxes required by law in the simplest and most efficient manner possible, a district may establish appropriate brackets to be used in the district imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285, RSMo.**

**7. The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to violations of this section.**

**8. All revenue received by the district from a sales and use tax imposed pursuant to this section which are designated for a specific purpose shall be deposited into a special trust fund and expended solely for such purpose. Upon the expiration of any sales and use tax adopted pursuant to this section, all funds remaining in the special trust fund shall continue to be used solely for the specific purpose designated in the resolution adopted by the qualified voters. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors pursuant to applicable laws relating to the investment of other district funds.**

**9. A district may repeal by resolution any sales and use tax imposed pursuant to this section before the expiration date of such sales and use tax unless the repeal of such sales and use tax will impair the district's ability to repay any liabilities the district has incurred, moneys the district has borrowed or obligation the district has issued to finance any improvements or services rendered for the district.**"; and

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

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

Senator Quick offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 82.300, Line 27, by inserting after all of said line the following:

"**82.1050. 1. Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants shall submit a registration form to the governing body of such city pursuant to this section.**

**2. The registration form shall be developed by the governing body of such city and shall contain:**

**(1) The name, personal address, business address and telephone numbers of the landlord;**

**(2) The address of each property located in the city that is owned and leased by the landlord;**

**(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision; and**

**(4) Any other information that the governing body of such city deems necessary to enhance compliance with city public safety and code regulations.**

**3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first thereafter, the city shall issue a report to the governor, the speaker of the house of representatives and the president pro tempore of the senate as to the effectiveness of the compilation of the forms in ensuring greater**

**efficiency in compliance with, and enforcement of, public safety and code regulations.**

**4. This section shall be of no force and effect on or after January 1, 2006.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Quick offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 3, Section 64.342, Line 18, by inserting after said line the following:

"**4. The provisions of this section extending authority to counties concerning marinas shall not apply to any privately operated marina in operation on the effective date of this section.**".

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

Senator Westfall offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 44, Section 260.210, Line 102, by inserting immediately after said line the following:

"301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due**; except when electronic personal property tax data has been provided to the department of revenue, and the department of revenue verifies that personal property taxes have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due, the department of revenue shall accept those records as proof that the taxpayer has paid said personal property taxes**. The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. **If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax years.** Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn

was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a

county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **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, 2000, shall be invalid and void.**

[301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the

total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Klarich offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section 353.020, Line 49, by adding an additional section thereto as follows:

"**Section 1. All corrective action plans approved by the department pursuant to chapter 260 shall require the department, upon notice by the owner or operator that the approved plan has been completed, to verify**

**within 90 days that the corrective action plan has been complied with and completed. The department shall issue a letter within 30 business days to the owners or operators certifying the completion and compliance.**"; and

Further amend said title and enacting clause accordingly.

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

Senator Flotron offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 92.031, Line 19, 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 benefitted 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 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, 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) 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;

**(8) No ordinance adopting a redevelopment plan, project or area, or amendment thereto shall be valid unless first referred to the commission as provided in this section. School districts and other taxing entities entitled to participate on the commission shall have standing to challenge the failure to comply with the provisions of sections 99.800 to 99.865 or any unlawful expenditure of public funds approved pursuant to ordinance, and the provisions of this subdivision shall be considered remedial and applicable to legal actions commenced before or after August 28, 2000. After August 28, 2000, any such action must be brought within one hundred and eighty days following the adoption of the ordinance adopting a redevelopment plan, project or area, or amendment thereto.**

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

Senator Flotron offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 1, In the Title, Line 7, by inserting immediately after the word "sections" the following: "and an effective date for certain sections"; and

Further amend said bill, page 1, Section A, line 9, by inserting immediately after said line the following:

"50.334. 1. In all counties, except counties of the first classification having a charter form of government and counties of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, each recorder of deeds, if the recorder's office is separate from that of the circuit clerk, shall receive as total compensation for all services performed by the recorder, except as provided pursuant to section 50.333, an annual salary which shall be computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as computed for the year next preceding the computation. The county recorder of deeds whose office is separate from that of the circuit clerk in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county recorder of deeds in the particular county for services rendered or performed on January 1, 1997.

| Assessed Valuation | Salary |
|---|---|
| $ 8,000,000 to 40,999,999 | $29,000 |
| 41,000,000 to 53,999,999 | 30,000 |
| 54,000,000 to 65,999,999 | 32,000 |
| 66,000,000 to 85,999,999 | 34,000 |
| 86,000,000 to 99,999,999 | 36,000 |
| 100,000,000 to 130,999,999 | 38,000 |
| 131,000,000 to 159,999,999 | 40,000 |
| 160,000,000 to 189,999,999 | 41,000 |
| 190,000,000 to 249,999,999 | 41,500 |
| 250,000,000 to 299,999,999 | 43,000 |
| 300,000,000 or more | 45,000 |

2. Two thousand dollars of the salary authorized in this section shall be payable to the recorder only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the recorder's office when approved by a professional association of the county recorders of deeds of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each recorder who completes the training program and shall send a list of certified recorders to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county recorder in the same manner as other expenses as may be appropriated for that purpose.

**59.005. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:**

**(1) "Document" or "instrument", any writing or drawing presented to the recorder of deeds for recording;**

**(2) "File", "filed" or "filing", the act of delivering or transmitting a document to the recorder of deeds for recording into the official public record;**

**(3) "Grantor" or "grantee", the names of**

**the parties involved in the transaction used to create the recording index;**

**(4) "Legal description", shall include, but not be limited to, the reference to the lot or parts thereof, block, plat or replat number, plat book and page and the name of any recorded plat; or if the property has not been platted, the acreage, if applicable, the quarter/quarter section, and the section, township and range of property. The address of the property shall not be accepted as an abbreviated legal description;**

**(5) "Legible", all text, seals, drawings, signatures or other content within the document must be capable of producing a clear and readable image from record, regardless of the process used for recording;**

**(6) "Page", any writing, printing or drawing printed on one side only covering all or part of the page, not larger than eight and one-half inches in width and eleven inches in height other than a plat or survey; for a drawing or calculations of a plat or survey covering all or part of one side, not larger than thirty-six inches in width and twenty-four inches in height;**

**(7) "Record", "recorded" or "recording", the recording of a the document into the official public record, regardless of the process used;**

**(8) "Recorder of deeds", the separate recorder of deeds in those counties where separate from the circuit clerk and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.**

[59.310. 1. As used in this section, "page" means any writing, printing or drawing covering all or part of one side of a paper, other than a plat, not larger than 8 ½ inches x 14 inches, or of a plat not larger than 18 inches x 24 inches, with the following conditions:

(1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;

(2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(3) The document must be of sufficient legibility so as to produce a clear and legible reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(4) Any attachment which extends the length of the page, and any deed or document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be counted as an additional page for each additional 8 ½ inches x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath said signature.

3. Recorders shall be allowed fees for their services as follows:

(1) For recording every deed or instrument: $5.00 for the first page and $3.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument except surveys or plats: a fee not to exceed $2.00 for the first page and $1.00 for every page thereafter;

(3) For every certificate and seal, except when recording an instrument:

$1.00;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: $25.00 for each page of drawings and calculations plus $5.00 for each page of other material;

(5) For recording a survey of one tract of land, in the form of one page: $5.00 per page;

(6) For copying a plat or survey: a fee not to exceed $5.00 for each page;

(7) For every certified copy of a marriage license or application for a marriage license: $2.00. The only additional fee over and above this is the $1.00 state user fee on all documents that convey real estate, and a 25-cent fee for identifying each note to an instrument when a document is recorded that creates a lien against the real estate.]

**59.310. 1. The county recorder of deeds may refuse any document presented for recording that does not meet the following requirements:**

**(1) The document shall consist of one or more individual pages printed only on one side, except that forms which are preprinted may be printed on two sides, and not permanently bound nor in a continuous form. The document shall not have any attachment stapled or otherwise affixed to any page except as required or permitted by law or as necessary to comply with other statutory requirements; a label that is firmly attached with a bar code or return address may be accepted for recording;**

**(2) The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

**(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

**(4) The document shall be on white paper or light colored paper of not less than twenty-pound weight without watermarks or other visible inclusions, except for plats and surveys which may be on materials such as mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;**

**(5) All signatures on a document shall be in black, blue or dark ink and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or interfere with any part of the document, except where provided for by law;**

**(6) The document shall have a top margin of at least three inches of vertical space from left to right indicated by a horizontal line to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths inch on all sides. Nonessential information such as form numbers, page numbers, or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.**

**2. (1) Every document presented for recording except plats and surveys shall have the following information on the first page below the three-inch horizontal line:**

**(a) Title of the document;**

**(b) Date of the document;**

**(c) All grantors names;**

**(d) All grantees names; and**

**(e) Legal description of the property or contain a reference to the page number or exhibit where the legal description is set out in the document; or**

**(2) If there is not sufficient room on the first page for all the required information, it may be placed on the subsequent page or pages in sequential order.**

**3. For a period of three years from July 1, 2001, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars which shall be deposited in the recorders fund established pursuant to subsection 1 of section 59.319. Thereafter, the recorder of deeds shall not accept a document which does not meet the requirements set out in this section.**

**4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:**

**(1) Documents which were signed prior to July 1, 2001;**

**(2) Military separation papers;**

**(3) Documents executed outside the United States;**

**(4) Certified copies of documents, including birth and death certificates;**

**(5) Any document where one of the original parties is deceased or otherwise incapacitated; and**

**(6) Judgments or other documents formatted to meet court requirements.**

**5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.**

**6. Recorders of deeds shall be allowed fees for their services as follows:**

**(1) For recording every deed or instrument: five dollars for the first page and three dollars for each page thereafter except for plats and surveys;**

**(2) For copying or reproducing any recorded instrument, except surveys and plats: a fee not to exceed two dollars for the first page and one dollar for each page thereafter;**

**(3) For every certificate and seal, except when recording an instrument: one dollar;**

**(4) For recording a plat or survey of a subdivision, outlots or condominiums: twenty-five dollars for each sheet of drawings and calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. For recording a survey of one or more tracts: five dollars for each sheet of drawings or calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height. Any plat or survey larger than eighteen inches by twenty-four inches shall be counted as an additional sheet for each additional eighteen inches by twenty-four inches or fraction thereof plus five dollars for each page of other materials;**

**(5) For copying a plat or survey of one or more tracts: a fee not to exceed five dollars for each page of drawings and calculations not larger than twenty-four inches in width and eighteen inches in height and one dollar for each page of other material;**

**(6) For a document which releases or assigns more than one item: five dollars for each item beyond one released or assigned in addition to any other charges which may apply, however, the recorder may require individual documents due to recording processes;**

**(7) For every certified copy of a marriage license or application for a marriage license: two dollars; and**

**(8) For duplicate copies of the records in a medium other than paper, the recorder of deeds shall set a reasonable fee. For all other personnel services, use of equipment and use of office facilities, the recorder of deeds shall set a reasonable fee.**

[59.313. 1. As used in this section for recording in the office of the recorder of deeds of any city not within a county, "page" means any writing, printing or

drawing covering all or part of one side of a paper, other than a plat not larger than 8 ½ inches x 14 inches, or of a plat not larger than 18 x 24 inches, with the following conditions:

(1) Should sufficient space not be provided for the necessary recording information and certification on a document, said recording information and certification shall be placed on an added sheet and such sheet shall be counted as a page;

(2) The size of print or type on any document to be recorded shall not be smaller than 8 point. Should any document to be recorded contain type smaller than 8 point, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document. Such additional documents shall be recorded at the same cost as an original;

(3) The document must be of sufficient legibility so as to produce a clear and legible reproduction thereof. Should a document not be of sufficient legibility so as to produce a clear and legible reproduction, such document must be accompanied by an exact typewritten copy thereof which will be recorded contemporaneously with the document;

(4) Any attachment which extends the length of the page, and any deed or document larger than 8 ½ inches x 14 inches, other than a plat or survey, shall be counted as an additional page for each additional 8 ½ inches x 14 inches or fraction thereof. Any plat or survey larger than 18 inches x 24 inches shall be counted as an additional page for each additional 18 inches x 24 inches or fraction thereof.

2. Any signature on a document shall have the corresponding name typed, printed or stamped underneath the signature.

3. The recorder of deeds in any city not within a county shall be allowed fees for his services as follows:

(1) For recording every deed or instrument: $10.00 for the first page and $5.00 for each page thereafter;

(2) For copying or reproducing any recorded instrument, except surveys and plats: $3.00 for the first page and $2.00 for each page thereafter;

(3) For every certificate and seal, except when recording an instrument: $2.00;

(4) For recording a plat or survey of a subdivision, outlots or condominiums: $44.00 for each page of drawings and calculations plus $10.00 for each page of other materials;

(5) For recording a survey of one tract of land, in the form of one page: $8.00;

(6) For copying a plat or survey: $8.00 for each page;

(7) For every certified copy of a marriage license or application for a marriage license: $5.00;

(8) For releasing on the margin: $8.00 for each item released;

(9) For a document which releases or assigns more than one item: $7.50 for each item beyond one released or assigned in addition to any other charges which may apply; and

(10) For duplicate reels of microfilm: $30.00 each. For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees.]

**59.313. 1. The recorder of deeds in a city not within a county may refuse any document presented for recording that does not meet the following requirements:**

**(1) The document shall consist of one or more individual pages printed only on one side not permanently bound nor in a continuous form. The document shall not have any**

**attachment stapled or otherwise affixed to any page except as required or permitted by law or as necessary to comply with other statutory requirements; a label that is firmly attached with a bar code or return address may be accepted for recording;**

**(2) The size of print or type shall not be smaller than eight-point type and shall be in black or dark ink. Should any document presented for recording contain type smaller than eight-point type, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

**(3) The document must be of sufficient legibility to produce a clear and legible reproduction thereof. Should any document not be of sufficient legibility to produce a clear and legible reproduction, such document shall be accompanied by an exact typewritten copy not smaller than eight-point type to be recorded contemporaneously as additional pages of the document;**

**(4) The document shall be on white or light colored paper of not less than twenty-pound weight without watermarks or other visible inclusions except for plats and surveys which may be on materials such as mylar or velum. All text within the document shall be of sufficient color and clarity to ensure that when the text is reproduced from record, it shall be readable;**

**(5) All signatures on a document shall be in black, blue or dark ink and shall have the corresponding name typed, printed or stamped underneath said signature. The typing or printing of any name or the applying of an embossed or inked stamp shall not cover or interfere with any part of the document, except where provided for by law;**

**(6) The document shall have a top margin of at least three inches of vertical space from left to right indicated by a horizontal line to be reserved for the recorder of deeds' certification and use. All other margins on the document shall be a minimum of three-fourths inch on all sides. Nonessential information such as form numbers, page numbers, or customer notations may be placed in the margin. A document may be recorded if a minor portion of a seal or incidental writing extends beyond the margins. The recorder of deeds will not incur any liability for not showing any seal or information that extends beyond the margins of the permanent archival record.**

**2. (1) Every document presented for recording except plats and surveys shall have the following information on the first page below the three-inch horizontal line:**

**(a) Title of the document;**

**(b) Date of the document;**

**(c) All grantors names;**

**(d) All grantees names; and**

**(e) Legal description of the property or contain a reference to the page number or exhibit where the legal description is set out in the document; or**

**(2) If there is not sufficient room on the first page for all the required information, it may be placed on the subsequent page or pages in sequential order.**

**3. For a period of three years from July 1, 2001, documents which do not meet the requirements set forth in this section may be recorded for an additional fee of twenty-five dollars which shall be deposited in the recorders fund established pursuant to subsection 1 of section 59.319. Thereafter, the recorder of deeds shall not accept a document which does not meet the requirements set out in this section.**

**4. Documents which are exempt from format requirements and which the recorder of deeds may record include the following:**

**(1) Documents which were signed prior to January 1, 2001;**

**(2) Military separation papers;**

**(3) Documents executed outside the United States;**

**(4) Certified copies of documents, including**

**birth and death certificates;**

**(5) Any document where one of the original parties is deceased or otherwise incapacitated; and**

**(6) Judgments or other documents formatted to meet court requirements.**

**5. Any document rejected by a recorder of deeds shall be returned to the preparer or presenter accompanied by an explanation of the reason it could not be recorded.**

**6. Recorder of deeds shall be allowed fees for their services as follows:**

**(1) For recording every deed or instrument: ten dollars for the first page and five dollars for each page thereafter;**

**(2) For copying or reproducing any recorded instrument, except surveys and plats: three dollars for the first page and two dollars for each page thereafter;**

**(3) For every certificate and seal, except when recording an instrument: two dollars;**

**(4) For recording a plat or survey of a subdivision, outlots or condominiums: forty-four dollars for each page of drawings and calculations based on a size not to exceed twenty-four inches in width by eighteen inches in height, plus ten dollars for each page of other materials;**

**(5) For recording a survey of one tract of land, in the form of one sheet not to exceed twenty-four inches in width by eighteen inches in height: eight dollars;**

**(6) For copying a plat or survey: eight dollars for each page;**

**(7) For every certified copy of a marriage license or application for a marriage license: five dollars;**

**(8) For releasing on the margin: eight dollars for each item released;**

**(9) For a document which releases or assigns more than one item: seven dollars and fifty cents for each item beyond one released or assigned in addition to any other charges which may apply; and**

**(10) For duplicate reels of microfilm: thirty dollars each.**

**For all other personnel services, use of equipment and use of office space the recorder of deeds shall set attendant fees.**"; and

Further amend said bill, page 45, section B, line 9, by inserting immediately after said line the following:

"Section C. The enactment of section 59.005 and the repeal and reenactment of sections 59.310 and 59.313 shall become effective January 1, 2001."; and

Further amend the title and enacting clause accordingly.

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

Senator House offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 100.331, Line 14, by inserting immediately after said line the following:

"135.400. As used in sections 135.400 to 135.430, the following terms mean:

(1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;

(2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;

(3) "Community development corporation", [a not for profit corporation and a recipient of Community Development Block Grant (CDBG)

funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities] **a not-for-profit corporation whose board of directors is composed of business, civic and community leaders, and whose primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial and civic development or redevelopment of a community or area, including the provision of housing and community economic development projects that benefit low-income individuals and communities**;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;

(6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;

(7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;

(8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 C.F.R. Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;

(9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;

(10) "Principal owners", one or more persons who own an aggregate of fifty percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

(11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(12) "State tax liability", any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions[;

(13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic

development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval].”; and

Further amend said bill, page 25, Section 100.331, line 14, by inserting after said line the following:

“135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment [into a targeted area as defined in section 135.400]. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed thirteen million dollars and at least four million dollars of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this four million dollar amount shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment [into a targeted area] shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the ten tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the ten years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

2. [The amount of qualified investments which can be made is limited so that the aggregate of all tax credits authorized pursuant to the provisions of sections 135.400 to 135.430 shall not exceed nineteen million dollars. Six million] **Five hundred thousand** dollars in tax credits shall be available **annually from the total amount of tax credits authorized by section 32.110, RSMo, and subdivision (4) of subsection 2 of section 32.115, RSMo,** as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.

135.408. A qualified investment in a Missouri small business may be made either through an unsecured loan or the purchase of equity or unsecured debt securities of such business. Investors in a small business qualifying for tax credits [under] **pursuant to** the provisions of sections 135.400 to 135.430, however, must collectively own less than fifty percent of a

business after their investments are made. Qualified investments in a Missouri small business must be expended for capital improvements, plant, equipment, research and development, or working capital for the business or such business activity as may be approved by the department.

[135.430. The department of social services shall promulgate such rules and regulations, pursuant to chapter 536, RSMo, and section 660.017, RSMo, as are necessary to define and certify target areas as defined in section 135.400. The department of economic development shall promulgate such rules and regulations, pursuant to chapter 536, RSMo, and subsection 20 of section 620.010, RSMo, as are necessary to implement the provisions of sections 135.400 to 135.440 after a target area has been defined and certified by the department of social services.]"; and

Further amend said bill, Page 27, Section 135.481, Line 41, by inserting after all of said line the following:

"[135.766. An eligible small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies.]"; and

Further amend said bill, Page 45, Section 353.020, Line 49, by inserting after all of said line the following:

"620.1039. 1. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41.

2. **For tax years** beginning **on or after** January 1, [1994] **2001**, **the director of the department of economic development may authorize** a taxpayer [may be allowed] **to receive** a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo[, if approved by the director of the department of economic development,] in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years[; except that], **plus for a taxpayer which has a total of at least one hundred fifty employees but no more than five hundred employees, an amount up to the proportion of such qualified research expenses incurred at facilities with employees working in distressed communities as defined in section 135.530, RSMo, multiplied by an additional six and one-half percent for a maximum of thirteen percent if all such qualified research expenses were incurred at facilities in distressed communities. Notwithstanding any provisions of law to the contrary:**

**(1) The director may authorize a taxpayer which has a total of fewer than one hundred fifty employees, and which is located in a distressed community as defined in section 135.530, RSMo, to receive a tax credit pursuant to this subsection in an amount up to the greater of:**

**(a) Thirty percent of the excess of the taxpayer's qualified research expenses incurred within this state during the taxable year over the average of the taxpayer's qualified research expenses for the immediately preceding three taxable years or fewer if the taxpayer has been in existence less than four years; or**

**(b) Twenty percent of the taxpayer's qualified research expenses for the taxable year;**

**and**

**(2)** No tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years **except that a taxpayer that has been in existence for three years shall be limited to two hundred percent of the average expenses incurred during the immediately preceding two taxable years, a taxpayer that has been in existence for two years shall be limited to two hundred percent of the expenses incurred during the immediately preceding taxable year, and a taxpayer that has been in existence for one year shall not be so limited**. [In order to receive a tax credit pursuant to this section, certification by the director of the department of economic development shall be required as proof that the taxpayer made qualified research expenses during the taxable year.]

3. The director of economic development shall prescribe the manner in which the tax credit may be [claimed] **applied for**. The tax credit [allowed] **authorized** by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for [claiming] tax credits [allowed in] **authorized by the director pursuant to** subsection 2 of this section shall be made [in] **no later than the end of** the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

**4. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer, and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.**

**5.** No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

[4.] **6.** The aggregate of all tax credits authorized pursuant to this section shall not exceed [ten] **nine** million **seven hundred thousand** dollars in any taxable year. **No more than twenty-five percent of all tax credits allowed annually pursuant to this section shall be issued for qualified research expenses at facilities with**

**employees working in distressed communities as defined in section 135.530, RSMo. This amount for taxpayers in distressed communities shall in no way restrict the ability of taxpayers in such communities from qualifying for a credit up to six and one-half percent as otherwise authorized by this section.**"; and

Further amend title, enacting clause and intersectional references accordingly.

Senator House moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 10** is out of order as it goes beyond the scope and purpose of the bill.

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

Senator Klarich offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 141, by inserting immediately after said line the following:

"72.424. Notwithstanding any other provisions of sections 72.400 to [72.422] **72.423**, any owner of a tract of land of thirty acres or less owned by a single owner and that is located within two or more municipalities, one municipality being a city of the fourth classification with a population between four thousand six hundred and five thousand, and the other municipality being [of the third classification] **a constitutional charter city** with a population between sixteen thousand three hundred and seventeen thousand, and both municipalities located within a county of the first classification having a charter form of government and having a minimum population of nine hundred thousand, may elect which municipality to belong to by agreement of that municipality. Such owner's election shall occur within ninety days of August 28, [1999] **2000**. Such agreement shall consist of the enactment by the governing body of the receiving municipality of an ordinance describing by metes and bounds the property, declaring the property so described to be detached and annexed, and stating the reasons for and the purposes to be accomplished by the detachment and annexation. A copy of said ordinance shall be mailed to the county clerk and to the city clerk and assessor of the contributing municipality before December fifteenth, with such transfer becoming effective the next January first. Such choice of municipalities shall be permanent. Thereafter, all courts of this state shall take notice of the limits of both municipalities as changed by the ordinances. This section shall only apply to boundary changes effected after January 1, 1990, and occurring by the incorporation of a municipality. This section shall expire and be of no force and effect on March 1, [2000] **2001**."; and

Further amend the title and enacting clause accordingly.

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

Senator Wiggins offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Pages 25 to 27, Section 135.481, Lines 1 to 41, by deleting all of said section and inserting in lieu thereof the following:

"135.481. 1. **(1)** Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478**, or for a multiple unit condominium described in subdivision (2) of this subsection,** shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

**(2) Notwithstanding any other provision of this chapter to the contrary, with the approval of the governing body of a city with a population of over four hundred thousand located in more than one county, any taxpayer who incurs eligible costs for construction of a multiple unit condominium intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning**

**classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, shall receive a credit equal to one hundred percent of demolition costs associated with development of such new residence, if the total project is under way by January 1, 2000.**

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property."; and

Further amend said title, enacting clause and intersectional references accordingly

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

Senator Kenney offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section 353.020, Line 45, by inserting after said line the following:

"Section 1. Regional research consortia within a city which lies partially or wholly within an area designated as a distressed community may apply for grants from the state for the purpose of conducting health research, including research into the prevention and cessation of smoking."; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 45, Section B, Line 1, by inserting before said line the following:

"**Section 1. The provisions of 82.1050 RSMo shall only apply to landlords operating rental properties including five or more rental units.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Bentley offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 41, by inserting immediately after said line the following:

"**67.1850. 1. As used in this section, the following terms mean:**

**(1) "Community", any municipality or county as defined in this section;**

**(2) "County", any county of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants;**

**(3) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:**

**(a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;**

**(b) Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;**

**(4) "Municipality", any city with a population of one hundred forty thousand or more inhabitants.**

**2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision-making processes of communities. The development of geographical information systems is a time consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.**

**3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community.**

**4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person requesting the information.**

**5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The cost of licensing a geographical information system may reflect the:**

**(1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system;**

**(2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system; and**

**(3) Value of the commercial purpose, if any, for which the information in a geographical information system or a geographical information system is to be used.**

**6. The provisions of this section shall not hinder the daily or routine collection of data, as defined in section 569.093, RSMo, from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, news media or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, as defined in section 569.093, RSMo.**

**7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.**

[82.1035. 1. As used in this section, the following terms mean:

(1) "Community", any municipality as defined in this section;

(2) "Geographical information system", a computerized, spatial coordinate mapping and relational database technology which:

(a) Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data;

(b) Transforms such information and data into intelligence and subsequently;

(c) Retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management;

(3) "Municipality", any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county.

2. The development of geographical information systems has not been undertaken in any large-scale and useful way by private enterprise. The use of modern technology can enhance the planning and decision making processes of communities. The development of geographical information systems is a time consuming and expensive activity. In the interest of maintaining community governments open and accessible to the public, information gathered by communities for use in a geographical information system, unless properly made a closed record, should be available to the public. However, access to the information in a way by which a person could render the investment of the public in a geographical information system a special benefit to that person, and not to the public, should not be permitted.

3. Any community as defined in this section may create a geographical information system for the community. The scope of the geographical information system shall be determined by the governing body of the community. The method of creation, maintenance, use and distribution of the geographical information system shall be determined by the governing body of the community.

4. The information collected or assimilated by a community for use in a geographical information system shall not be withheld from the public, unless otherwise properly made a closed record of the community as provided by section 610.021, RSMo. The information collected or assimilated by a community for use in a geographical information system need not be disclosed in a form which may be read or manipulated by computer, absent a license agreement between the community and the person

requesting the information.

5. Information collected or assimilated by a community for use in a geographical information system and disclosed in any form, other than in a form which may be read or manipulated by computer, shall be provided for a reasonable fee, as established by section 610.026, RSMo. A community maintaining a geographical information system shall make maps and other products of the system available to the public. The cost of the map or other product shall not exceed a reasonable fee representing the cost to the community of time, equipment and personnel in the production of the map or other product. A community may license the use of a geographical information system. The cost of licensing a geographical information system may reflect the:

(1) Cost to the community of time, equipment and personnel in the production of the information in a geographical information system or the production of the geographical information system;

(2) Cost to the community of the creation, purchase, or other acquisition of the information in a geographical information system or of the geographical information system; and

(3) Value of the commercial purpose, if any, for which the information in a geographical information system or a geographical information system is to be used.

6. The provisions of this section shall not hinder the daily or routine collection of data, as defined in section 569.093, RSMo, from the geographical information system by real estate brokers and agents, title collectors, developers, surveyors, utility companies, banks, or mortgage companies, nor shall the provisions allow for the charging of fees for the collection of such data exceeding that allowed pursuant to section 610.026, RSMo. The provisions of this section, however, shall allow a community maintaining a geographical information system to license and establish costs for the use of the system's computer program and computer software, as defined in section 569.093, RSMo.

7. A community distributing information used in a geographical information system or distributing a geographical information system shall not be liable for any damages which may arise from any error which may exist in the information or the geographical information system.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Childers offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 27, Section 135.481, Line 41, by inserting after said line the following:

"**137.721. Notwithstanding the provisions of section 137.720, in all counties which become counties of the first classification after September 1, 2000, one percent of all ad valorem taxes allocable to the county and each taxing authority within the county shall continue to be deducted from taxes collected on the first five hundred million dollars of assessed valuation, and one-half percent collected on the remainder, and deposited in the assessment fund. The one-percent fee shall be assigned among the political subdivisions by the assessor, who shall determine the percentage of total valuation in the county divided into five hundred million dollars. The collector shall retain one percent of that percentage of each political subdivision's property taxes, and one-half percent of the remainder, for the assessment fund.**"; and

Further amend the title and enacting clause

accordingly.

Senator Childers moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 16** is out of order as it adds a new subject matter to the bill.

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

Senator Caskey offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 24, Section 67.1461, Line 141, by adding after all of said line the following:

"71.014. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of [nine hundred thousand,] **six hundred fifty thousand,** proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interests of record in all tracts located within the area to be annexed."; and

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

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

Senator Ehlmann offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 41, Section 260.210, Line 1, by inserting immediately before said line the following:

"210.860. 1. The governing body of any county or city not within a county may, after voter approval pursuant to this section, levy a **sales** tax not to exceed [twenty-five cents on each one hundred dollars of assessed valuation on taxable property] **one-quarter of a cent** in the county for the purpose of providing counseling, family support, and temporary residential services to persons eighteen years of age or less. The question shall be submitted to the qualified voters of the county or city not within a county at a county or state general, primary or special election upon the motion of the governing body of the county or city not within a county or upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county or city not within a county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city not within a county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall ..... County (City) be authorized to levy a **sales** tax of [..... cents on each one hundred dollars of assessed valuation on taxable property in the county (city) for the purpose of establishing a community children's services fund for purposes of providing funds for counseling and related services to children and youth in the county (city) eighteen years of age or less and services which will promote healthy lifestyles among children and youth and strengthen families] **one-quarter of a cent in the county (city) for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well being and safety of children and youth eighteen years of age or less and to strengthen families**?

{ } YES { } NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county or city not within a county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county

treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 18** is out of order as it goes beyond the scope and purpose of the bill.

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

**SA 18** was again taken up.

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

Senator Jacob offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 25, Section 135.355, Line 19, by adding after line 19 the following:

"135.355. 1. The owner of a qualified Missouri project eligible for the Missouri low-income housing tax credit shall submit, at the time of filing the owner's return, an eligibility statement. In the case of failure to attach the eligibility statement, no credit under this section shall be allowed with respect to such project for that year until these copies are provided to the department of revenue.

2. If under section 42 of the 1986 Internal Revenue Code, as amended, a portion of any federal low-income housing credits taken on a low-income project is required to be recaptured **only during the first ten years after a project is placed in service**, the taxpayer claiming state credits with respect to such project shall also be required to recapture a portion of any state credits authorized by this section. The state recapture amount shall be equal to the proportion of the state credit claimed by the taxpayer that equals the proportion the federal recapture amount bears to the original federal low-income housing credit amount subject to recapture."; and

Further amend the title and enacting clause accordingly.

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

Senator Mueller offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for House Substitute for House Bill 1238, Page 25, Section 92.031, Line 19, by inserting after all of said line the following:

"**99.053. 1. Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:**

**(1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or**

**(2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.**

**2. The provisions of this section shall not apply to those housing authorities:**

**(1) Located within a city not within a county;**

**(2) Located within a city with a population of over four hundred thousand inhabitants;**

**(3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing**

**authority shall serve as a commissioner.**"; and

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

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

Senator Stoll offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for House Substitute for House Bill 1238, Page 41, Section 144.759, Line 21, by inserting immediately after said line the following:

"249.470. **1.** The county commission, after receiving the recommendations of the sewer engineer, may, by resolution, establish the boundaries of the sewer district or districts including therein only such lots, tracts and parcels of ground which may be conveniently served by a sewer, except that whenever the commission of a county of the first classification without a charter form of government deems that a countywide wastewater treatment authority would best serve the needs of such county, the commission may establish a countywide sewer district which shall be subject to the provisions of sections 249.430 to 249.660. The action of the county commission in determining the boundaries of said sewer districts shall be conclusive, provided that, except as otherwise provided in this section, no ground shall be included in a sewer district not contained in the natural drainage area or watercourse, or may be conveniently served through said sewer.

**2. For each countywide wastewater treatment authority established pursuant to this section, the county commission of such county shall, by resolution, order, or ordinance, appoint five trustees, all of whom shall reside within the county. In the event there is more than one district within the county organized pursuant to this chapter, no less number of the trustees so appointed shall reside within the district having the greatest number of customers than reside in any other such district in the county. The trustees, whose terms shall begin on the date the authority is established, shall be responsible for the control and operation of the countywide wastewater treatment authority and shall have the same powers and duties as the county commission as provided in this chapter. The term of each trustee shall be five years, except that, of the first board appointed, one member shall serve for one year, one member shall serve for two years, one member shall serve for three years, one member shall serve for four years, and one member shall serve for five years. All vacancies after the initial appointment shall be filled by the county commission. The trustees shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties, which amount shall not exceed the sum of twenty-five dollars per month.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Committee Substitute for House Substitute for House Bill No. 1238, Page 1, Section In the Title, Lines 5-6, by striking "the use and improvement of" and inserting in lieu thereof the following: "tax credit and other programs benefiting certain persons and; "and

Further amend said bill, Page 27, Section 135.481, Line 41, by inserting immediately after said line the following:

"135.545. [A] **The director of the department of economic development may authorize a** taxpayer [shall be allowed] **to receive** a credit for taxes paid pursuant to chapter 143, 147 or 148, RSMo, **exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo,** in an amount equal to **up to** fifty percent of a **contribution to** qualified [investment in] transportation development [for] **projects, which can include** aviation, mass transportation, including parking facilities for users of mass transportation, railroads, ports, including parking facilities and limited access roads within ports, waterborne transportation, bicycle and pedestrian paths, or rolling stock located in a distressed community as

defined in section 135.530, and which are part of a development plan approved by the appropriate local agency. **General purpose streets and roads are not eligible transportation development projects under this program.** If the department of economic development determines [the investment has been so approved] **that a project is eligible under this section**, the department [shall] **may** grant [the] tax [credit in order of date received] **credits to qualified taxpayers contributing to eligible projects. Not-for-profit entities, public entities or the public at large shall be the beneficiaries of projects under this program**. **Not-for-profit entities, including but not limited to, corporations organized pursuant to chapter 355, RSMo, shall be ineligible to be direct recipients of the tax credits authorized pursuant to this section.** A taxpayer may carry forward any unused tax credit for up to [ten] **five** years and may carry it back for the previous three years until such credit has been fully claimed. Certificates of tax credit issued in accordance with this section may be transferred, sold or assigned by **filing a** notarized endorsement **thereof with the department of economic development** which names the transferee **and the amount of tax credits transferred**. The tax credits allowed pursuant to this section shall be for an amount of no more than [ten] **eight** million dollars for each year. [This credit shall apply to returns filed for all taxable years beginning on or after January 1, 1999.] Any unused portion of the tax credit authorized pursuant to this section shall be available for use in the future by those entities until fully claimed.

**135.630. 1. As used in this section, the following terms shall mean:**

**(1) "Contribution", a donation of cash, stock, bonds or other marketable securities;**

**(2) "Director", the director of the department of social services;**

**(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;**

**(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;**

**(5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:**

**(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and**

**(b) Where childbirths are not performed; and**

**(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and**

**(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and**

**(e) Which provides its services at no cost; and**

**(f) Which is exempt from income taxation pursuant to the United States Internal Revenue**

**Code.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.**

**5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.**

**6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.**

**7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.**

**8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.**

**9. This section shall become effective January 1, 2001, and shall apply to all tax years after December 31, 2000.**"; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 22** 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 Quick moved that **SCS** for **HS** for **HB 1238**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HS** for **HB 1238**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | |
|---|---|---|---|
| Bentley | Bland | Carter | Caskey |
| Childers | Clay | DePasco | Ehlmann |
| Flotron | Graves | House | Jacob |
| Johnson | Kenney | Kinder | Klarich |
| Maxwell | Mueller | Quick | Russell |
| Scott | Singleton | Staples | Steelman |
| Stoll | Westfall | Wiggins | Yeckel—28 |

NAYS—Senators

| | | | |
|---|---|---|---|
| Goode | Howard | Rohrbach | Schneider—4 |

Absent—Senator Sims—1

Absent with leave—Senator Mathewson—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

| | | | |
|---|---|---|---|
| Bentley | Bland | Carter | Caskey |
| Clay | DePasco | Ehlmann | Flotron |
| Graves | House | Jacob | Johnson |
| Kenney | Kinder | Klarich | Maxwell |
| Mueller | Quick | Russell | Scott |
| Singleton | Staples | Steelman | Stoll |
| Westfall | Wiggins | Yeckel—27 | |

NAYS—Senators

| | | |
|---|---|---|
| Goode | Howard | Rohrbach—3 |

Absent—Senators

| | | |
|---|---|---|
| Childers | Schneider | Sims—3 |

Absent with leave—Senator Mathewson—1

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

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

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

## RESOLUTIONS

Senator Graves offered Senate Resolution No. 1815, regarding Marylyn Wilcox, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1816, regarding Patricia Peterson, Shenandoah, Iowa, which was adopted.

Senator Graves offered Senate Resolution No. 1817, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenwood Junior Arbuckle, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1818, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenn Fuhrman, La Mesa, California, which was adopted.

Senator Graves offered Senate Resolution No. 1819, regarding Abbie Turner, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1820, regarding the Fiftieth Wedding Anniversary of Colonel and Mrs. David Bryant King, II, Maitland, which was adopted.

Senator Kenney offered Senate Resolution No. 1821, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Mahaffy, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elden Twente, Independence, which was adopted.

Senator Wiggins offered Senate Resolution No. 1823, regarding the death of Timothy Thomas Ryan, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1824, regarding the death of Francis E. "Red" Waters, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1825, regarding the death of Glen L. Whitaker, Kansas City, which was adopted.

Senator Carter offered Senate Resolution No. 1826, regarding the Honorable Maxine Waters, Los Angeles, California, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Clay introduced to the Senate, the Physician of the Day, Dr. John Seidenfeld, M.D. and his wife, St. Louis.

Senator Childers introduced to the Senate, Martha Degraffenreid, Paula Holtzman, Becky Ryder and sixty-five fourth grade students from Cassville School, Cassville.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Thursday, May 11, 2000.

SENATE CALENDAR

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SEVENTY-SECOND DAY–THURSDAY, MAY 11, 2000

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FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1045-Caskey, with SCS

SBs 1043, 1031, 580 & 671-Mathewson, with SCS



HOUSE BILLS ON THIRD READING

1. HS for HCS for HBs 1652 & 1433-Hoppe, with SCAs 1, 2, 3, 4, 5 & 6 (Caskey) (In Budget Control)
2. HS for HCS for HB 1797-Gratz, with SCA 1 (Goode)
3. HS for HCS for HBs 1172, 1501, 1633, 1440, 1634, 1177 & 1430-Davis (122nd), with SCS (Howard)
4. HS for HCS for HB 1762-Williams (159th), with SCS (Caskey)
5. HCS for HB 1144, with SCS (Johnson)
6. HJR 43-Barry, et al (House)
7. HS for HCS for HB 1481-Smith (Maxwell)
8. HCS for HB 1644, with SCS (Scott)
9. HS for HCS for HBs 1215 & 1240-Smith, with SCS (Caskey)
10. HB 1768-Ward, with SCS (Staples)
11. HB 1326-Mays (50th), with SCAs 1 & 2 (Goode)
12. HS for HB 1728-Backer, with SCS (Flotron) (In Budget Control)
13. HS for HCS for HBs 1489, 1488 & 1650-Kennedy, with SCS (Maxwell) (In Budget Control)
14. HS for HCS for HB 1305-Rizzo, with SCS (DePasco) (In Budget Control)

15. HS for HCS for HB 1254-Kissell, with SCS (Caskey)
16. HB 1499 & HB 1579-Hoppe, with SCS (Scott)
17. HB 1946-Dougherty (Maxwell)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728, 834 & 832-Staples, with SCS (pending)
SBs 584, 539, 630, 777, 796, 918 & 927-Bentley, with SCS & SS for SCS (pending)
SBs 599 & 531-Schneider, with SCS (pending)
SB 604-Wiggins
SB 697-Schneider, with SCS & SA 1 (pending)
SB 720-Caskey, with SS & SA 3 (pending)
SB 729-House, with SCS & SA 8 (pending)
SB 744-Klarich
SB 748-Johnson, with SCS
SB 803-Goode, et al, with SCS
SBs 807, 553, 574, 614, 747 & 860-Jacob, with SCS, SS for SCS & SA 2 (pending)
SB 817-Stoll, with SCS
SBs 818 & 564-Maxwell and Kinder, with SCS
SB 826-Jacob, et al, with SCS, SS for SCS & SA 5 (pending)
SB 827-Scott, et al, with SS & SA 2 (pending)
SB 866-Klarich
SB 930-Jacob, with SCS
SB 955-Mathewson, et al
SB 957-Johnson and Quick, with SCS, SA 2, SSA 1 for SA 2 & SA 3 to SSA 1 for SA 2 (pending)
SB 980-Jacob, with SCS
SB 1016-Jacob, et al, with SS, SA 2 & point of order (pending)
SB 1047-Rohrbach, with SCS (pending)
SB 1048-Mathewson, with SCS
SJRs 45 & 41-House, with SCS (pending)
SJR 46-Goode, et al, with SCS (pending)
SJR 47-Quick, et al, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & point of order (pending)

### HOUSE BILLS ON THIRD READING

HB 1082-Crump, with SCS & SA 1 (pending) (Childers)
SCS for HCS for HBs 1386 & 1086 (Maxwell) (In Budget Control)

HB 1443-Koller, with SCS & SS for SCS (pending) (Johnson)
SS for SCS for HS for HCS for HBs 1566 & 1810-Bray (Scott) (In Budget Control)
HS for HB 1603-May (108th), with SCS (pending) (Jacob)
HS for HB 1615-Hosmer, with SCS, SS for SCS, SA 9 & SSA 1 for SA 9 (pending) (Caskey)
HB 1706-Gambaro, et al, with SCS (Clay)
HS for HCS for HJR 61-Van Zandt, with SCS, SS for SCS & SS for SS for SCS (pending) (Quick)



## CONSENT CALENDAR

### Senate Bills

Reported 2/15

SB 740-Wiggins

### House Bills



Reported 4/11

HB 1085-Selby (Stoll)

Reported 4/13

HB 1875-Franklin (Wiggins)

## SENATE BILLS WITH HOUSE AMENDMENTS



SCS for SB 542-Mathewson, with HS for HCS, as amended
SB 724-Rohrbach, with HS for HCS
SB 922-Scott, with HCS, as amended

## BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

### In Conference

SS for SB 549-Quick, et al, with HS for HCS, as amended
SB 741-Maxwell, with HCS, as amended

SB 788-Johnson, with HS for HCS, as amended
SS for SB 813-House, with HCS, as amended (Further conference granted)
SB 856-Maxwell, with HS for HCS, as amended
SB 858-Maxwell, with HS for HCS, as amended
SB 896-Klarich, with HS for HCS, as amended
SB 1053-Goode, et al, with HS, as amended
SJR 50-Stoll, with HA 2
HB 1292-Auer, with SCS, as amended (Jacob)
HB 1591-Backer, with SCS (Howard)
HB 1948-Gratz, et al, with SCS (Staples) (House adopted CCR and passed CCS)



Requests to Recede or Grant Conference

SS for SCS for SB 763-Howard, with HCS, as amended (Senate requests House recede or grant conference)

RESOLUTIONS



SR 1204-Goode
SR 1373-Mathewson
SCR 33-Kinder, et al

Reported from Committee

SCR 34-Bland, et al, with point of order (pending)
SCR 40-House
HCR 28-Van Zandt, et al



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