Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-SECOND DAY—THURSDAY, MAY 11, 2000

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Reverend Carl Gauck offered the following prayer:

"Let Your moderation be known unto all men. The Lord is at hand." (Philippians 4:5)

Gracious Father, we need this reasonableness, this gentleness, this kindliness, among us this day. We need to hear what our brothers and sisters here with us have to say and listen with deference. So grant us Your grace that we may have an attitude of caring and patience and most certainly a gentle spirit. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and 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	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1827, regarding Kristine Marie Carey, Kirkwood, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SB 549**, as amended: Representatives VanZandt, Gaw, Smith, Gibbons and Hanaway.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator Quick submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1159**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HS** for **HB 2011**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HS** for **HB 1615**, with **SCS**, **SS** for **SCS**, **SA 9** and **SSA 1** for **SA 9** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 9** was again taken up.

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

SA 9 was again taken up.

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

At the request of Senator Caskey, **SS** for **SCS** for **HS** for **HB 1615** was withdrawn.

Senator Caskey offered **SS No. 2** for **SCS** for **HS** for **HB 1615**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1615

An Act to repeal sections 191.900, 191.910, 197.405, 197.410, 197.420, 197.425, 197.430, 197.435, 197.440, 197.450, 197.455, 197.460, 197.470, 197.477, 198.012, 198.026, 198.032, 198.090, 344.050, 565.186, 565.188, 565.190, 660.300, 660.305, 660.315 and 660.320, RSMo 1994, and sections 190.142, 197.400, 197.415, 197.445, 198.070, 198.526, 198.532, 210.903, 210.909, 210.915, 210.933, 210.936, 660.050 and 660.317, RSMo Supp. 1999, and to enact in lieu thereof sixty-eight new sections relating to protection of the elderly, with penalty provisions and an emergency clause for certain sections.

Senator Caskey moved that **SS No. 2** for **SCS** for **HS** for **HB 1615** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 77, Section 198.532, Line 17 of said page, by inserting after all of said line the following:

"208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care

benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance [under] **pursuant to** 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage [under] **pursuant to** this subdivision, the department of social services may revise the state Medicaid plan to extend coverage [under] **pursuant to** 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment,

coinsurance, deductible, or premium requirements for medical assistance [under] **pursuant to** this subdivision. Eligibility for medical assistance [under] **pursuant to** this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals [under] **pursuant to** this subdivision in accordance with the requirement of federal law and regulations. Coverage [under] **pursuant to** this subdivision shall be subject to appropriation to provide services approved [under] **pursuant to** the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons [under] **pursuant to** subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible [under] **pursuant to** each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance [under] **pursuant to** this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits [under] **pursuant to** subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility [under] **pursuant to** this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel,

training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance [under] **pursuant to** subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided [under] **pursuant to** section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized [under] **pursuant to** the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available [under] **pursuant to** 42 U.S.C. 1396a

(a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii)**;**

(27) All persons who would be determined eligible for old age assistance benefits or permanent and total disability benefits, under the eligibility standards in effect December 31, 1973, and whose income is less than or equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services or its successor; as authorized under 1902(m)(1) of the federal Social Security Act or less restrictive standards as established by rule of the division of family services.

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits [under] **pursuant to** Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.”; and

Further amend the title and enacting clause accordingly.

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

President Wilson assumed the Chair.

Senator Steelman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 77, Section 198.532,

Line 17 of said page, by inserting after all of said line the following:

"208.152. 1. Benefit payments for medical assistance shall be made on behalf of those eligible needy persons who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the division of medical services, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the division of medical services shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the medicaid children's diagnosis length-of-stay schedule; and provided further that the division of medical services shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. 301, et seq.), but the division of medical services may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the division of medical services not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for recipients, except to persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health or a nursing home licensed by the division of aging or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX, of the federal Social Security Act (42 U.S.C. 301, et seq.), as amended, for nursing facilities. The division of medical services may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of medicaid patients. The division of medical services when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for recipients of benefit payments [under] **pursuant to** subdivision (4) of this section for those days, which shall not exceed twelve per any period of six consecutive months, during which the recipient is on a temporary leave of absence from the hospital or nursing home, provided that no such recipient shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a recipient is away from the hospital or nursing home overnight because he **or she** is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Dental services;

(8) Services of podiatrists as defined in section 330.010, RSMo;

(9) Drugs and medicines when prescribed by a licensed physician, dentist, or podiatrist;

(10) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments. The department of social services may conduct demonstration projects related to the provision of medically necessary transportation to recipients of medical assistance under this chapter. Such demonstration projects shall be funded only by appropriations made for the

purpose of such demonstration projects. If funds are appropriated for such demonstration projects, the department shall submit to the general assembly a report on the significant aspects and results of such demonstration projects;

(11) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of section 6403 of P.L.53 101-239 and federal regulations promulgated thereunder;

(12) Home health care services;

(13) Optometric services as defined in section 336.010, RSMo;

(14) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions unless such abortions are certified in writing by a physician to the medicaid agency that, in his professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(15) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(16) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. 1396d, et seq.);

(17) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage [under] **pursuant to** Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted [under] **pursuant to** Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(18) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his **or her** physician on an outpatient, rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the recipient's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one recipient one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time;

(19) Mental health services. The state plan for providing medical assistance [under] **pursuant to** Title XIX of the Social Security Act, 42 U.S.C. 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health

professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, "mental health professional" and "alcohol and drug abuse professional" shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, division of medical services, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the division of medical services. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(20) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive and behavioral function. The division of medical services shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism;

(21) Hospice care. As used in this subsection, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. Beginning July 1, 1990, the rate of reimbursement paid by the division of medical services to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Such additional services as defined by the division of medical services to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. 301, et seq.) subject to appropriation by the general assembly;

(23) Beginning July 1, 1990, the services of a certified pediatric or family nursing practitioner to the extent that such services are provided in accordance with chapter 335, RSMo, and regulations promulgated thereunder, regardless of whether the nurse practitioner is supervised by or in association with a physician or other health care provider;

(24) Subject to appropriations, the department of social services shall conduct demonstration projects for nonemergency, physician-prescribed transportation for pregnant women who are recipients of medical assistance [under] **pursuant to** this chapter in counties selected by the director of the division of medical services. The funds appropriated pursuant to this subdivision shall be used for the purposes of this subdivision and for no other purpose. The department shall not fund such demonstration projects with revenues received for

any other purpose. This subdivision shall not authorize transportation of a pregnant woman in active labor. The division of medical services shall notify recipients of nonemergency transportation services [under] **pursuant to** this subdivision of such other transportation services which may be appropriate during active labor or other medical emergency;

(25) Nursing home costs for recipients of benefit payments [under] **pursuant to** subdivision (4) of this subsection to reserve a bed for the recipient in the nursing home during the time that the recipient is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of medicaid certified licensed beds, according to the most recent quarterly census provided to the division of aging which was taken prior to when the recipient is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made [under] **pursuant to** this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a recipient pursuant to this subdivision during any period of six consecutive months such recipient shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided [under] **pursuant to** subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the recipient or the recipient's responsible party that the recipient intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the recipient or the recipient's responsible party prior to release of the reserved bed.

2. Benefit payments for medical assistance for surgery as defined by rule duly promulgated by the division of medical services, and any costs related directly thereto, shall be made only when a second medical opinion by a licensed physician as to the need for the surgery is obtained prior to the surgery being performed.

3. The division of medical services may require any recipient of medical assistance to pay part of the charge or cost, as defined by rule duly promulgated by the division of medical services, for dental services, drugs and medicines, optometric services, eye glasses, dentures, hearing aids, and other services, to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, RSMo, and a generic drug is substituted for a name brand drug, the division of medical services may not lower or delete the requirement to make a copayment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described [under] **pursuant to** this section must collect from all recipients the partial payment that may be required by the division of medical services under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by recipients [under] **pursuant to** this section shall be in addition to, and not in lieu of, any payments made by the state for goods or services described herein.

4. The division of medical services shall have the right to collect medication samples from recipients in order to maintain program integrity.

5. Reimbursement for obstetrical and pediatric services [under] **pursuant to** subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for medical assistance at least to the extent that such care and services are available to the general population in the geographic area, as

required [under] **pursuant to** subparagraph (a)(30)(A) of 42 U.S.C. 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for medical assistance [under] **pursuant to** section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health. Such notification and referral shall conform to the requirements of section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the medicaid program shall not increase payments in excess of the increase that would result from the application of section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. 1396a (a)(13)(C).

10. The department of social services, division of medical services, may enroll qualified residential care facilities, as defined in chapter 198, RSMo, as medicaid personal care providers.

11. The department of social services shall, in connection with medical assistance provided for in section 208.152.1(4), RSMo, make payment through rates determined in accordance with methods and standards developed by the department of social services which take into account the costs, including the costs of services required to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident eligible for benefits under the Missouri Medicaid program, of complying with subsection's (b) (other than paragraph (3)(F) thereof), (c) and(d) of 42 U.S.C. Section 1396r(b), (c) and(d) and provide (in the case of a nursing facility with a waiver under 42 U.S.C. Section 1396r(b)(4)(C)(ii)) for an appropriate reduction to take into account the lower costs, if any, of the facility for nursing care and which the division of medical services finds, and makes assurances satisfactory to the director of the department of social services, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Childers, Kenney, Klarich and House.

Senator Klarich offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Bill No. 1615, Page 3, Section 208.152, Line 22, by inserting immediately after said line:

"**(9) Services of chiropractors licensed pursuant to chapter 331, RSMo;**"; and

Further renumber the remaining subdivisions accordingly.

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Caskey, **HS** for **HB 1615**, with **SCS**, **SS No. 2** for **SCS**, **SA 2** and **SA 1** to **SA 2** (pending), was placed on the Informal Calendar.

HS for **HCS** for **HB 1797**, with **SCA 1**, entitled:

An Act to repeal sections 303.025, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, relating to motor vehicle financial responsibility and the motorist insurance identification database, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions, an effective date for certain sections, and an expiration date for certain sections.

Was taken up by Senator Goode.

SCA 1 was taken up.

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

Senator Goode offered **SS** for **HS** for **HCS** for **HB 1797**, entitled:

SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1797

An Act to repeal section 303.044, RSMo 1994 and sections 302.178, 303.025, 303.026, 303.041, 303.042, 303.190, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, relating to motor vehicles, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions, an effective date for certain sections and an expiration date for certain sections.

Senator Goode moved that **SS** for **HS** for **HCS** for **HB 1797** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Bill No. 1797, Page 1, Section 302.178, Line 8 of said page, by inserting before said line the following:

"302.160. When the director of revenue receives notice of a conviction in another state or from a federal court [of an offense on a federal military installation], which, if committed in this state, would result in the assessment of points, [he] **the director** is authorized to assess the points and suspend or revoke the operating privilege when the accumulated points so require as provided in section 302.304."; and

Further amend said bill, Page 6, Section 303.025, Line 9 of said page, by inserting before said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal **or federal** traffic ordinance **or regulation** not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 . . . . . 2 points
(except any violation of municipal stop sign ordinance where no accident is involved .1 point)

(2) Speeding
In violation of a state law . . . . . 3 points
In violation of a county or municipal ordinance . . . . . 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo . . 12 points
In violation of any county or municipal ordinance . . . . . 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo . . . . . 4 points
In violation of a county or municipal ordinance . . . . . 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction . . . . . 2 points

(b) For the second conviction . . . . 4 points

(c) For the third conviction . . . . . 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges . . . . . 12 points

(7) Obtaining a license by misrepresentation . . . . . 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs . . . . . 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight . . . . . 12 points

(10) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight

In violation of state law . . . . . 8 points

In violation of a county or municipal ordinance **or federal law or regulation** . . . . . 8 points

(11) Any felony involving the use of a motor vehicle . . . . . 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle . . . . 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo . . . . . 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend the title and enacting clause accordingly.

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

Senator Howard offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 18, Section 303.190, Lines 10-25 of said page, by striking said lines; and

Further amend said bill and section, Page 19, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 20, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 21, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 22, Lines 1 to 7 of said page, by striking said lines; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, 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. **Residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**

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 Flotron offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"**32.300. In a county where personal property tax records are accessible via computer, and when proof of motor vehicle liability insurance, safety inspections and emission inspections where required are verifiable by computer, the department of revenue shall design and implement, a motor vehicle license renewal system which may be used through the department's Internet web site connection. The online license renewal system shall be available no later than January 1, 2002. The department of revenue shall also design and implement an online system allowing the filing and payment of Missouri state taxes through the department's Internet web site connection. The online tax filing and payment system shall be available for the payment of Missouri state taxes for tax years beginning on or after January 1, 2002.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Howard offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill 1797, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

"301.560. 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) When the application is being made for licensure as a manufacturer, boat manufacturer, motor vehicle dealer, boat dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction or a public motor vehicle auction, a certification by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located; except, that in counties of the first classification, certification may be authorized by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed, that the applicant has a bona fide established place of business. A bona fide established place of business for any new motor vehicle franchise dealer or used motor vehicle dealer shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading or exchanging of motor vehicles or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working telephone which shall be maintained during the entire registration year. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name and class of business conducted in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which one or more vehicles may be displayed, except when licensure is for a wholesale motor vehicle dealer, a lot and sign shall not be required. When licensure is for a boat dealer, a lot shall not be required. In the case of new motor vehicle franchise dealers, the bona fide established place of business shall include adequate facilities, tools and personnel necessary to properly service and repair motor vehicles and trailers under their franchisor's warranty;

(2) If the application is for licensure as a manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction, boat dealer or a public motor vehicle auction, a photograph, not to exceed eight inches by ten inches, showing the business building and sign shall accompany the

initial application. In the case of a manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer, the photograph shall include the lot of the business. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) If the application is for licensure as a wholesale motor vehicle dealer or as a boat dealer, the application shall contain the business address, not a post office box, and telephone number of the place where the books, records, files and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours. Wholesale motor vehicle dealers and boat dealers shall file reports as required of new franchised motor vehicle dealers and used motor vehicle dealers;

(4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of twenty-five thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, wholesale motor vehicle dealers and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party;

(5) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the

applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number within eight working hours after presentment of the application. Upon the renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers ..... D-0 through D-999

New motor vehicle franchise and commercial

motor vehicle dealers ..... D-1000 through D-1999

Used motor vehicle dealers ..... D-2000 through D-5399 and D-6000 through D-9999

Wholesale motor vehicle dealers ..... W-1000 through W-1999

Wholesale motor vehicle auctions ..... W-2000 through W-2999

Trailer dealers ..... T-0 through T-9999

Motor vehicle and trailer manufacturers ..... M-0 through M-9999

Motorcycle dealers ..... D-5400 through D-5999

Public motor vehicle auctions ..... A-1000 through A-1999

Boat dealers and boat manufacturers ..... B-0 through B-9999

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of manufacturers and motor vehicle dealers, the department shall also issue one number plate bearing the distinctive dealer license number to the applicant upon payment by the manufacturer or dealer of a fifty-dollar fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty-dollar fee. As many additional number plates as may be desired by manufacturers and motor vehicle dealers and as many additional certificates of number as may be desired by boat dealers and boat manufacturers may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. A motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction obtaining a dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor

vehicle owned and held for resale by the motor vehicle dealer or manufacturer, and used by a customer who is test driving the motor vehicle, or is used by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer, but shall not be displayed on any vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and manufacturers may display their certificate of number on a vessel or vessel trailer which is being transported to an exhibit or show.

9. (1) Effective January 1, 2002, every application for the issuance or renewal of a used motor vehicle dealer's license shall be accompanied by, or supported by, such evidence as the department shall prescribe, documenting the successful completion of a six-hour educational seminar, approved by the department, during the twelve-month period immediately preceding the date of the application.

(2) The educational seminar shall include, but is not limited to the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce and administer sections 301.550 to 301.570, the requirements of the department, and other information designed to promote good business practices. The educational seminar requirements shall not include written or oral exams.

(3) Each educational seminar shall be sponsored by a non-profit corporation, authorized to do business in Missouri, that develops and presents educational programs which enhance the knowledge and competence of used motor vehicle dealers, their sales persons and service personnel for the benefit of the public. The department shall establish by rule qualifications for, and approve all sponsoring organizations. All principals and instructors of the sponsoring organization shall not have had any prior felony convictions as determined by a background check by the Missouri Highway Patrol.

(4) The requirements of subsection 9 of this section shall apply for every motor vehicle dealer who sells used motor vehicles, regardless of what other type of motor vehicles the dealer sells.

(5) For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension shall not exceed the period of one calendar year. The director may grant an individual a waiver of the mandatory educational requirements upon a showing by the dealer that it is not feasible for the dealer to satisfy the requirements prior to the renewal date."; and

Further amend the title and enacting clause accordingly.

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

Senator Kenney offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

"**301.474. 1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**

2. Any such person shall make application for the bronze star license plates on a form

provided by the director of revenue and furnish such proof as a recipient of the bronze star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "BRONZE STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the bronze star.

3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director.

4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of bronze star license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.475. Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.476. Any person who served in the military operation known as Desert Storm or Desert Shield and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in desert storm or desert shield and status as currently serving in a branch of

the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.3031. 1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War II memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund.

2. There is established in the state treasury the "World War II Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War II memorial trust fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

3. The Missouri veterans' commission shall administer the trust fund. The trust fund shall be used to participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C.

4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund.

301.3053. 1. Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be

clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.3055. 1. Any person who wishes to pay tribute to those persons who were prisoners of war or those now listed as missing in action may apply for specialized motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to other registration fees and documents which may be required by law, the director of revenue shall issue a specialized license plate which shall have the words "MISSOURI REMEMBERS" on the license plates in preference to the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such license plate shall also bear the POW/MIA insignia. The license plate authorized by this section shall be made with a fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

301.3062. 1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The American Legion hereby authorize the use of their official emblem to be affixed on multi-year personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144, shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be

issued a new plate which does not bear the American Legion emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the 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 Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

"**301.3051. 1. Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) living within the state of Missouri and who has a motor vehicle which complies with the provisions of section 303.025, RSMo, may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multi-year personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem.**

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner.

3. The license plate authorized by this section shall be in a form as prescribed in section 301.129, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Wiggins assumed the Chair.

Senator Steelman offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

"**301.3030. 1. Any person may receive special license plates with words and an emblem which denotes respect for human life both before and after birth, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned**

motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".

2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents which may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.

4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of twenty-five dollars is made for each set of respect life license plates.

5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars to the Missouri alternatives to abortion support fund at a subsequent time of registration shall be issued new plates which are not respect life license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director describing the license plates, the Missouri alternatives to abortion support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to this section.

8. There is hereby created in the state treasury the "Missouri Alternatives to Abortion Support Fund". The state treasurer shall credit to and deposit in such fund:

(1) Moneys that may be required by law to be credited to or deposited in such fund;

(2) Moneys that may be appropriated to it by the general assembly;

(3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards or from federal, state or local sources; and

(4) Any other sources granted or given for this specific purpose.

9. The state treasurer shall invest moneys in the Missouri alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings which result from the investment of moneys in the Missouri alternatives to abortion support fund shall be credited to such fund.

10. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the general revenue fund of this state at the end of each biennium, shall not apply to the Missouri alternatives to abortion support fund.

11. Moneys credited to and deposited in the fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.

12. Until the amount in the Missouri alternatives to abortion support fund exceeds one million dollars, not more than one-half of the money credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund credited to the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

13. The purpose of the Missouri alternatives to abortion support fund is to provide and promote alternatives to abortion services by grants to, or contracts with, those private agencies which are:

(1) Established and operating primarily to provide alternatives to abortion services, and which do not perform or refer for abortions;

(2) Located in this state; and

(3) Exempt from income taxation pursuant to the United States Internal Revenue Code.

14. As used in this section, "alternatives to abortion services" means services or counseling offered to a woman with a crisis pregnancy or unplanned pregnancy to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption.

15. Unless otherwise provided by law, the general assembly may, for the purposes authorized pursuant to this section, appropriate moneys from the Missouri alternatives to abortion support fund to:

(1) The office of administration;

(2) The fifteen administrative departments; or

(3) Any board, bureau, commission or other agency of the state exercising administrative or executive authority."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 8** is out of order as it introduces new subject matter into the bill.

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

Senator Westfall offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting at the end of said line the following:

"**301.3041. 1. The Wilson's Creek National Battlefield Foundation may authorize the use of its official emblem to be applied on multi-year personalized license plates as provided in this section.**

2. Any contribution to the Wilson's Creek National Battlefield Foundation derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Wilson's Creek National Battlefield Park. Any vehicle owner may annually apply to the foundation for use of the emblem. Upon annual application and payment of a twenty-five dollar emblem use contribution to the foundation, the foundation shall issue to the vehicle owner, without further charge, an "emblem use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration.

3. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the foundation, to the vehicle owner. The license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. The license

plate authorized by this section shall be issued with a design approved by both the foundation and the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner who was previously issued a plate with an institutional emblem authorized by this section and who does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law."; and

Further amend title and enacting clause accordingly.

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

Senator Russell offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by adding immediately after the end of said line the following:

"32.055. Subject to the provisions of sections 32.090 and 32.091, the director of revenue [may] **shall not** sell lists of motor vehicle registrations **or other personal information held by the department of revenue for the purposes of bulk distribution for surveys, marketing and solicitations. Individual motor vehicle registration records and other personal information held by the department of revenue may be disclosed** to any **person or** organization organized under an act of the Congress of the United States in accordance with the fee limitations as provided in section 610.026, RSMo.

[32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible pursuant to this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor

vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

6. Any clear, accurate and nontransient output of a record of ownership, lien or satisfaction of a lien maintained electronically by the director of revenue as permitted in sections 301.600 to 301.640, RSMo, shall be deemed to be an original record for all purposes and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof, shall be deemed to be a transcript, exemplification or certified copy of the original.

7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.]

32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible under this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue

orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing**, issuance or renewal** of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. **All restrictions imposed by law that apply to the disclosure of information by the department of revenue shall also apply to any persons or entities contracting with the director of the department of revenue to provide electronic filing, issuance or renewal services. Notwithstanding other provisions of law, any online access or access via other electronic means granted to such persons or entities may be limited to the persons or entities providing such electronic filing, issuance or renewal services.**

6. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

[6.] **7.** Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.

[7.] **8.** The director of revenue may renew motor vehicle registrations by electronic means when the information, fees and documents required by chapters 301, 303 and 307, RSMo, to accompany such application are provided to the director electronically in a format prescribed by the director of revenue.

[8.] **9.** The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 1, 2000, if it fully complied with the provisions of chapter 536, 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 July 1, 2000, shall be invalid and void.

32.090. 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue are public records and shall be made available to the public according to procedures established by the department.

3. [Except as otherwise provided by law,] Personal information obtained by the department shall **not** be disclosed to any person requesting such personal information [if the individual whose personal information is requested has not elected to prohibit the disclosure of such personal information pursuant to] **except as provided in** section 32.091.

32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that

identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code [in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section]**, as amended by Public Law 106-69, Section 350, only if the department has obtained the express consent of the person to whom such personal information pertains**.

3. [A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.] **Notwithstanding any other provisions of law to the contrary, the department of revenue shall not disseminate a person's driver's license photograph, Social Security number and medical or disability information from a motor vehicle record, as defined in section 2726(1) of Title 18 of the United States Code without the express consent of the person to whom such information pertains, except for uses permitted under Sections 2721(b)(1), 2721(b)(4), 2721(b)(6) and 2721(b)(9) of Title 18 of the United States Code.**

4. [Notwithstanding any other provision of law to the contrary,] The department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to Sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code **except for the personal information described in subsection 3 of this section**.

5. Pursuant to Section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. [It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.]

6. This section is not intended to limit media access to any personal information when such access is provided by agencies or entities in the interest of public safety and is otherwise authorized by law."; and

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

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

Senator Goode moved that **SS** for **HS** for **HCS** for **HB 1797**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **HS** for **HCS** for **HB 1797**, 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	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Steelman—1

Absent—Senators

Johnson	Kenney	Stoll—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

Senator 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 House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 763**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 763**, as amended: Representatives Kissell, Davis 122, McLuckie, Myers and Alter.

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 1591** and has taken up and passed **SCS** for **HB 1591**, as amended by the CCR.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **SCA 1**, **SCA 1**, as amended, **SA 1** to **HCS** for **HB 1967** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HB 1238**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 1238**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Scott moved that the Senate refuse to concur in **HCS** for **SB 922**, 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.

Senator Scott moved that the Senate refuse to recede from its position on **SA 1** to **SCA 1**, **SCA 1**, as amended, and **SA 1** to **HCS** for **HB 1967** and grant the House 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 **SCS** for **HS** for **HB 1238**, as amended: Senators Mathewson, Quick, Johnson, Childers and Mueller.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 763**, as amended: Senators Howard, DePasco, Maxwell, Childers and Klarich.

CONFERENCE COMMITTEE REPORTS

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1948**, submitted the following report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1948

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1948 begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1948;

2. That the House recede from its position on House Bill No. 1948;

3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Danny Staples	/s/ Bill Gratz
/s/ Jim Mathewson	/s/ Don Koller
/s/ John E. Scott	/s/ Vicky Hartzler
/s/ Doyle Childers	/s/ Bill Ransdall
/s/ Morris Westfall	/s/ Gary Marble

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

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Maxwell
Mueller	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Clay	Flotron	Johnson	Mathewson
Quick	Schneider	Scott	Stoll—8

Absent with leave—Senators—None

On motion of Senator Staples, **CCS** for **SCS** for **HB 1948**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1948

An Act to repeal section 304.180, RSMo 1994, and sections 301.010, 303.025, 303.409, 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of the operation of motor vehicles, and to enact in lieu thereof six new sections relating to the same subject.

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	Kenney	Kinder
Klarich	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Johnson	Mathewson	Quick	Stoll—4

Absent with leave—Senators—None

President Wilson assumed the Chair.

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HS** for **HB 1615**, with **SCS**, **SS No. 2** for **SCS**, **SA 2** and **SA 1** to **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 to **SA 2** was again taken up.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** to **SA 2** and was joined in his request by Senators Childers, House, Kenney and Klarich.

Senator Caskey raised the point of order that **SA 1** to **SA 2** is out of order as it introduces 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 raised the point of order that **SA 2** is out of order as it adds new subject matter to the bill as it is currently before the body and therefore goes beyond the scope and purpose.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SS No. 3** for **SJR 35**, entitled:

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

With House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, as amended.

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

Amend House Substitute Amendment No. 1 to House Amendment No. 1 for House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, Page 2, Section 3, Line 9 by inserting after the word "salary"; "or any other form of compensation.".

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

Amend House Committee Substitute for Senate Substitute for Senate Substitute No. 3 for Senate Joint Resolution No. 35, page 4, line 76 by inserting after the word "**schedule.**", the words "**The general assembly shall never appropriate funds which retroactively increase the salary of persons whose compensation schedule is fixed by the commission.**".

In which the concurrence of the Senate is respectfully requested.

On motion of Senator DePasco, the Senate recessed until 1:35 p.m.

RECESS

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

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 **HS** for **HB 1238**, as amended: Representatives Hoppe, Rizzo, Smith, Lograsso and Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 557**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SB 902**, entitled:

An Act to repeal sections 313.008, 313.270, 313.805, 313.807, 313.812, 313.815, 313.817, 313.820, 313.822, 313.825, 313.827, 313.830 and 313.837, RSMo 1994, and sections 313.835 and 313.842, RSMo Supp. 1999, relating to gaming, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

With House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendments Nos. 3, 4 and 6.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Pages 12 and 13, Section 313.807.6, by striking all of subsection 6 of section 313.807 and inserting in lieu thereof the following:

"**6. Prior to granting a license for an excursion gambling boat, the commission shall ensure that the applicant complies with all local zoning laws, provided that such laws were not changed to the detriment of the applicant having an ownership interest, including without limitation, an option to purchase, a contingent purchase agreement, leasehold interest or contingent leasehold interest, that is the subject of the zoning law change when such law is enacted subsequent to the filing of such application. Nothing in this section shall be construed to prohibit a change in local law in favor of the applicant having the ownership interest in the property.**".

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

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 46, Section 313.843, Line 23, by inserting after the word "**feet**" the following:

"**(3) are not offered after eleven o'clock p.m. on days which immediately precede days which public elementary and secondary schools in the county in which the licensee is located are scheduled to be in session, and are not offered after one o'clock a.m. on other days.**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 24, Section 313.820, Line 11 of said page, by inserting after the word "dollars" the phrase "**and ten cents**"; and

Further amend said bill, Page 24, Section 313.820, Line 13 of said page, by inserting after the word "**dollar**" the phrase "**and ten cents**"; and

Further amend said bill, Page 24, Section 313.820, Line 20 of said page, by inserting after the number "**313.842**" the following: "**and nine cents of such fee deposited to the credit of the gaming commission may be deposited to the credit of the World War II veterans' recognition award fund created pursuant to section 42.195, RSMo. Notwithstanding any provision of law to the contrary, upon termination of the World War II veterans' recognition award fund, and subject to appropriation, nine cents of such fee deposited to the credit of the gaming commission may be deposited to the credit of the veterans' commission capital improvement trust fund created pursuant to section 313.835.**"; and

Further amend said bill, Page 34, Section 313.835, Line 12 of said page, by inserting after the number "**313.820,**" the following: "**and that portion of the admission fee, not to exceed nine cents, that may be appropriated to the World War II veterans' recognition award fund created pursuant to section 42.195, RSMo, or to the credit of the veterans' commission capital improvement trust fund created pursuant to section 313.835 upon termination of the World War II veterans' recognition award fund.**"; and

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

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 24, Section 313.817,

Line 9, by inserting before the period "**.**" the following: "**and a class A misdemeanor for second and subsequent offenses.**".

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 22, Section 313.815, Line 13, by deleting the word "four" and inserting in lieu thereof the word "three".

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 House has taken up and passed **HS** for **SS** for **SCS** for **SBs 867** and **552**, entitled:

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs, and to enact in lieu thereof four new sections relating to the same subject.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 3, Section 82.1050, Line 3, by inserting after all of said line the following:

"**135.406. Notwithstanding sections 135.403 and 135.405, no more than one million dollars of the total amount of Missouri small business tax credits available for qualified investments in Missouri small businesses shall be used and made available for qualified investments in Missouri small businesses, which are enterprises which consist of one or more establishments assigned a SIC code of 8731 and the results of the activities of which are designed to be used by establishments assigned a SIC code of 2834, engaged solely in pharmaceutical research and development; but in the event this one million dollar set aside is not used in its entirety by September first 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. The limitations of subsection 2 of section 135.403 and section 135.405 upon the amounts of qualified investments, the aggregate of tax credits authorized and the maximum tax credits which may be evidenced by certificates of tax credit issued or owned by a single taxpayer shall not apply to amounts allocated by this section. The director shall give preference in issuing certificates of tax credit to applicants under this section.**"; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 3, Section 135.500.2(1)(a), Line 10, by striking the word "ten" in said line and inserting in lieu thereof the word "**fifteen**"; and

Further amend said bill, Page 3, section 135.500.2(1)(b), Line 13, by striking the word "ten" in said line and inserting in lieu thereof the word "**fifteen**".

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS FOR THIRD READING

Senator Stoll moved that **HB 1085** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Stoll, **HB 1085** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Ehlmann	Russell	Schneider
Scott—5			

Absent with leave—Senators—None

The President declared the bill passed.

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.

Senator Jacob moved that **HS** for **HB 1603**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HS** for **HB 1603**, as amended, was again taken up.

Senator Clay offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 19, Section 407.826, Line 47, by striking the word "unencumbered".

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

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

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 19, Section 407.826.2(2), Lines 56, by striking the words, "upon licensure".

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

Senator Mueller offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 18, Section 407.826, Line 34, by striking the following: "or have any financial interest".

Senator Mueller moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Klarich offered **SSA 1** for **SA 10**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 18, Section 407.826, Line 34, by striking the following: "or have any financial interest"; and

Further amend said bill, Page 22, Section 621.053, Line 7, by inserting after said line, the following:

"Section 1. The provisions and individual sections set forth in this act shall be deemed to be nonseverable.".

Senator Klarich moved that the above substitute amendment be adopted.

At the request of Senator Klarich, **SSA 1** for **SA 10** was withdrawn.

Senator Klarich offered **SSA 2** for **SA 10**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 18, Section 407.826, Line 34, by striking the following: "or have any financial interest"; and

Further amend said bill, Page 18, Section 407.826, Line 35, by inserting after said line, the following:

"Section 1. The provisions and individual sections set forth in this section shall be deemed to be nonseverable.".

Senator Klarich moved that the above substitute amendment be adopted.

At the request of Senator Klarich, **SSA 2** for **SA 10** was withdrawn.

SA 10 was again taken up.

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

Senator Bland offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 2, Section 407.815(10), Lines 45-46, by striking all of said lines and inserting in lieu thereof the following:

"(10) "Product", a new motor vehicle and new motor vehicle parts;".

Senator Bland moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 11** and was joined in his request by Senators Childers, Howard, Rohrbach and Sims.

SA 11 failed of adoption by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Childers
Clay	Mueller	Rohrbach	Sims—8

NAYS—Senators

Caskey	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Russell
Schneider	Scott	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—24

Absent—Senators

Flotron	Staples—2

Absent with leave—Senators—None

Senator Howard offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Substitute for House Bill No. 1603, Page 22, Section 621.053, Line 7, by inserting immediately after said line the following:

"**Section 1. 1. Effective January 1, 2002, every application for the issuance or renewal of a used motor vehicle dealer's license shall be accompanied by, or supported by, such evidence as the department shall prescribe, documenting the successful completion of a six-hour educational seminar, approved by the department, during the twelve-month period immediately preceding the date of the application.**

2. The educational seminar shall include, but is not limited to the dealer requirements of sections 301.550 to 301.573, RSMo, the rules promulgated to implement, enforce and administer sections 301.550 to 301.570, RSMo, the requirements of the department, and other information designed to promote good business practices. The educational seminar requirements shall not include written or oral exams.

3. Each educational seminar shall be sponsored by a non-profit corporation, authorized to do business in Missouri, that develops and presents educational programs which enhance the knowledge and competence of used motor vehicle dealers, their sales persons and service personnel for the benefit of the public. The department shall establish by rule qualifications for, and approve all sponsoring organizations. All principals and instructors of the sponsoring organization shall not have had any prior felony convictions as determined by a background check by the Missouri Highway Patrol.

4. The requirements of this section shall apply for every motor vehicle dealer who sells used motor vehicles, regardless of what other type of motor vehicles the dealer sells.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension shall not exceed the period of one calendar year. The director may grant an individual a waiver of the mandatory educational requirements upon a showing by the dealer that it is not feasible for the dealer to satisfy the requirements prior to the renewal date."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Carter raised the point of order that **SA 12** is out of order as the amendment goes beyond the scope of the bill.

The point of order was referred to the

President Pro Tem, who ruled it not well taken.

SA 12 was again taken up.

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

Senator Rohrbach offered **SS** for **SCS** for **HS** for **HB 1603**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1603

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to motor vehicle franchise practices.

Senator Rohrbach moved that **SS** for **SCS** for **HS** for **HB 1603** be adopted.

At the request of Senator Jacob, **HS** for **HB 1603**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HS** for **HCS** for **SCR 37**.

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, the President of the United States has proposed the creation of a Delta Regional Authority; and

WHEREAS, the Delta Regional Authority would bring the resources of a Federal-State partnership to the region for economic growth and to provide the infrastructure and job training needed to make prosperity possible in the Delta; and

WHEREAS, the affected counties in Missouri desire to participate with the Delta Regional Authority in any policy development and programs for the Delta area:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of the "Missouri Commission on the Delta Regional Authority"; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall make recommendations to the General Assembly regarding policy development, prioritization of funding based upon poverty, joblessness, lack of job availability, literacy rates and level of education, and programs and interstate compacts; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority may accept general revenue and other funds as may be appropriated to it; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall be composed of one county commissioner or designee from each of the following central counties designated by the Lower Mississippi Delta Commission of Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Butler, one of Missouri's representatives on the board of the lower Mississippi delta development center appointed by the governor, one member of the public chosen to represent the interests of agriculture appointed by the governor, one member of the public to represent business and industry appointed by the governor, and one member of the public to represent education appointed by the governor, two members of the house of representatives, appointed by the speaker of the house, who represent districts within the central county region designated by the Lower Mississippi Delta Development Commission, two members of the house of representatives, appointed by the speaker of the house, who represent districts within the affected area designated by the Lower Mississippi Delta Development Commission, one member of the senate, appointed by the president pro tem of the senate, who represents a district within the central county region designated by the Lower Mississippi Delta Development Commission, and the following ex officio members: the directors of the departments of economic development, transportation and agriculture, the director of the family investment trust, the commissioner of education, the commissioner of higher education, one member of the board of the Lower Mississippi River Delta Center; and

BE IT FURTHER RESOLVED that the department of economic development shall provide professional, legal and clerical staff for the Missouri Commission on the Delta Regional Authority; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Mel Carnahan.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 922**, as amended, and grants the Senate a conference thereon.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 1652** and **1433**, with **SCAs 1**, **2**, **3**, **4**, **5** and **6**; **SCS** for **HCS** for **HBs 1386** and **1086**; **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**; and **HS** for **HCS** for **HB 1305**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

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

Nancy Beer Tobin and Rosemary A. Kaskowitz, as public members of the Missouri Seed Capital Investment Board;

Also,

Roy Curtiss, III, Thomas R. Sharpe and Theodore J. Cicero, as members of the Missouri Seed Capital Investment Board;

Also,

Anita K. Parran, as a public member of the Missouri State Board of Pharmacy;

Also,

Karl B. Zobrist and Stacy Daniels-Young, as members of the Kansas City Board of Police Commissioners;

Also,

Terry Bloomberg, as a member of the Children's Trust Fund Board;

Also,

J. Joe Adorjan, as a member of the Missouri Gaming Commission;

Also,

Sandra M. Moore, as a member of the Southeast Missouri State University Board of Regents;

Also,

Pier C. Patterson, Dorothy B. McGuffin and Mark H. Comensky, as members of the Committee for Professional Counselors;

Also,

Sheryl Johnson-Stampley, as a member of the Missouri Training and Employment Council;

Also,

George A. Pipes, as a member of the State Board of Registration for the Healing Arts;

Also,

Samuel D. Leake, as a member of the State Tax Commission;

Also,

Deborah J. Tomich, as a member of the St. Charles County Convention and Sports Facilities Authority;

Also,

Timothy J. Dorsey, as a member of the Missouri Fire Education Commission;

Also,

Renee A. Routledge-Kime, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Zoretta V. Schoonover, as a member of the Dam and Reservoir Safety Council;

Also,

Gretchen G. Davis, as a member of the Missouri Community Service Commission;

Also,

Paul D. Potthoff, as a member of the Board of Directors, American National Fish and Wildlife Museum District;

Also,

Sue Carrol Terry, as a member of the State Lottery Commission;

Also;

Darrel D. Ashlock, as a member of the Board of Probation and Parole;

Also,

Reuben A. Shelton, as a member of the Board of Curators for Lincoln University;

Also,

Vanetta E. Rogers and Jeannine H. Osborn, as members of the State Board of Education;

Also,

Marjorie B. Schramm, as a member of the State Highways and Transportation Commission;

Also,

Christina L. Quick, as a member of the State Milk Board;

Also,

E. Gail McCann Beatty, as a member of the Tourism Commission;

Also,

Kelvin L. Simmons, as a member of the Public Service Commission;

Also,

Catherine B. Leapheart, as Director of the Department of Labor and Industrial Relations;

Also,

William H. Creech, III and Robert T. Jackson, as members of the Board of Trustees, Petroleum Storage Tank Insurance Fund;

Also,

Hugh G. Jenkins, as a member of the Land Reclamation Commission;

Also,

David J. Lackey, as a member of the Missouri Board of Occupational Therapy;

Also,

Thomas A. Herrmann, as a public member of the Clean Water Commission of the State of Missouri;

Also,

Teri E. Loney, as a member of the State Committee of Marital and Family Therapists.

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

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

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SB 902**, 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.

Senator Goode moved that the Senate refuse to concur in **HCS** for **SS** for **SS No. 3** for **SJR 35**, 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.

Senator Mathewson moved that **SCS** for **SB 542**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HS** for **HCS** for **SCS** for **SB 542**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 542

An Act to repeal sections 473.730, 473.739 and 473.767, RSMo Supp. 1999, relating to public administrators, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Staples assumed the Chair.

Senator Mathewson moved that **HS** for **HCS** for **SCS** for **SB 542**, as amended, 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	Mathewson	Maxwell

Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senator Singleton—1

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Mathewson, **HS** for **HCS** for **SCS** for **SB 542**, 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	Mathewson	Maxwell
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Singleton—1

Absent—Senators

Mueller	Schneider—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

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

Senator Maxwell moved that **SS** for **SCS** for **SBs 867** and **552**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SS** for **SCS** for **SBs 867** and **552**, as amended, entitled:

HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 867 and 552

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **HS** for **SS** for **SCS** for **SBs 867** and **552**, as amended, be adopted.

Senator House offered a substitute motion that the Senate refuse to adopt **HS** for **SS** for **SCS** for **SBs 867** and **552**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon.

Senator Johnson assumed the Chair.

Senator House requested a roll call vote be taken on the adoption of the substitute motion. He was joined in his request by Senators Kenney, Klarich, Mueller and Staples.

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

YEAS—Senators

Childers	Ehlmann	Graves	House
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Scott
Steelman	Westfall	Yeckel—15	

NAYS—Senators

Bland	Carter	Caskey	Clay
DePasco	Flotron	Goode	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Sims	Singleton	Staples
Stoll	Wiggins—18		

Absent—Senator Bentley—1

Absent with leave—Senators—None

HS for **SS** for **SCS** for **SBs 867** and **552**, as amended, was adopted by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators

Ehlmann	Rohrbach	Schneider—3

Absent—Senator Bentley—1

Absent with leave—Senators—None

On motion of Senator Maxwell, **HS** for **SS** for **SCS** for **SBs 867** and **552** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Rohrbach—1

Absent—Senators

Bentley Schneider—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Howard moved that **SCR 37**, with **HS** for **HCS**, be taken up for adoption, which motion prevailed.

Senator Howard moved that **HS** for **HCS** for **SCR 37** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland Schneider—2

Absent with leave—Senators—None

On motion of Senator Howard, **HS** for **HCS** for **SCR 37** 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	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

PRIVILEGED MOTIONS

Senator Rohrbach moved that **SB 724**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 724**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 724

An Act to repeal section 144.157, RSMo 1994, and sections 67.1003 and 67.1360, RSMo Supp. 1999, relating to tourism taxation, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Rohrbach moved that **HS** for **HCS** for **SB 724** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Carter	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller

Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland	Schneider—2

Absent with leave—Senators—None

On motion of Senator Rohrbach, **HS** for **HCS** for **SB 724** 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	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Flotron—1

Absent with leave—Senators—None

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

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

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

Bill ordered enrolled.

Senator Wiggins assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Howard, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1591**, submitted the following report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1591

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1591, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for House Bill No. 1591; and

2. That Senate Committee Substitute for House Bill No. 1591 with the attached Conference Committee Amendment No. 1 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ J. T. Howard	/s/ Gracia Y. Backer
/s/ William Clay	/s/ Thomas A. Hoppe
/s/ Danny Staples	/s/ Rita D. Days
/s/ Doyle Childers	/s/ John E. Griesheimer
/s/ Betty Sims	/s/ Mark Richardson

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1591, Page 2, Section 344.040, Line 35, by deleting the word "**six**" and inserting in

lieu thereof the word "**two**"; and

Further amend said bill, Page 2, Section 344.040, Line 37, by inserting after the word "**thirtieth**" the phrase "**; provided, however, that nothing in this section shall prevent the board from taking any other disciplinary action against a licensee if there shall exist a cause for discipline pursuant to section 344.050**"; and

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

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

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Flotron Mathewson—2

Absent with leave—Senators—None

On motion of Senator Howard, **SCS** for **HB 1591**, as amended by the conference committee report, 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	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Mathewson Quick—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **SCS** for **HCS** for **HBs 1386** and **1086**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HCS** for **HBs 1386** and **1086**, 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	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, 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	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senator Rohrbach—1

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators

Rohrbach	Schneider	Steelman—3

Absent—Senator Clay—1

Absent with leave—Senators—None

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

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

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

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 741**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 741

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3, 4, and 5; 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 Amendment No. 5 to House Committee Substitute for Senate Bill No. 741;

2. That the Senate recede from its position on House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3 and 4; and

3. That House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3 and 4, be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Joe Maxwell	/s/ Gracia Backer
/s/ Ed Quick	/s/ Gary Wiggins
/s/ Wayne Goode	/s/ Randall Relford
/s/ Franc Flotron	/s/ Ken Legan
/s/ Anita Yeckel	/s/ Beth Long

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

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Rohrbach—1

Absent—Senators

Clay Schneider—2

Absent with leave—Senators—None

On motion of Senator Maxwell, **HCS** for **SB 741**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	Mueller	Quick
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Rohrbach—1

Absent—Senators

Clay Mathewson Schneider Staples—4

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Johnson, on behalf of the conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 788**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 788

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 788, with House Amendment No. 1; 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 Substitute for House Committee Substitute for Senate Bill No. 788, as amended;

2. That the Senate recede from its position on Senate Bill No. 788; and

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 788 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sidney Johnson	/s/ Joan Barry
/s/ Joe Maxwell	/s/ Harry Kennedy
/s/ Harry Wiggins	/s/ Chuck Graham
/s/ Marvin Singleton	/s/ Bill Tudor
/s/ Betty Sims	/s/ Linda Bartelsmeyer

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Clay Mathewson Quick Staples—4

Absent with leave—Senators—None

On motion of Senator Johnson **CCS** for **HS** for **HCS** for **SB 788**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 788

An Act to repeal section 105.055, RSMo 1994, and section 105.058, RSMo Supp. 1999, relating to whistleblower and related protections for employees, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date for a certain section and a termination date for a certain section.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Clay—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

President Wilson assumed the Chair.

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 856**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 856

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Parts I, II, IV and V of House Substitute for House Committee Substitute for Senate Bill No. 856 with House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 5 to Part I, House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Amendment 5, House Amendment 6, House Amendment 7, House Amendment 8, House Amendment 9, House Amendment 10, House Amendment 11 to Part II, House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 to Part IV, and House Amendment No. 1 to Part V; 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 Substitute for House Committee Substitute for Senate Bill No. 856, as amended;

2. That the Senate recede from its position on Senate Bill No. 856;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 856 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Joe Maxwell	/s/ Tim Harlan
/s/ Harry Wiggins	/s/ Jim Foley
/s/ Paula J. Carter	/s/ Yvonne Wilson

/s/ Marvin Singleton /s/ Annie Reinhart

/s/ Roseann Bentley /s/ Charlie Shields

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

Senator Yeckel offered a substitute motion that the Senate refuse to adopt the conference committee report on **HS** for **HCS** for **SB 856**, as amended, and request the House to grant further conference thereon, which motion failed on a standing division vote.

Senator Stoll assumed the Chair.

At the request of Senator Maxwell, the motion to adopt the conference committee report was withdrawn.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 922**, as amended: Representatives Hagan-Harrell, Crump, Skaggs, Elliott and Griesheimer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 894**, entitled:

An Act to repeal sections 53.135, 64.342, 67.1062, 67.1063, 71.285, 82.817, 140.110, 141.220, 141.540, 141.610, 178.870, 247.031, 247.050, 247.170 and 353.020, RSMo 1994, sections 64.725, 67.410, 67.1401, 67.1461, 82.300, 92.031, 135.481, 137.073, 139.031, 139.053, 140.160, 144.757, 144.759, 144.761, 247.030, 260.210, 393.705 and 393.715, RSMo Supp. 1999, section 141.550 as enacted by house bills nos. 977 and 1608 of the second regular session of the eighty-ninth general assembly, section 141.550 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, section 301.025 as enacted by senate bill no. 19 of the first regular session of the ninetieth general assembly and section 301.025 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, relating to property ownership, and to enact in lieu thereof forty-eight new sections relating to the same subject, with an emergency clause for a certain section and an effective date for a certain section.

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

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 2, Section A, Line 17 of said page, by inserting after all of said line the following:

"32.105. As used in sections 32.100 to 32.125, the following terms mean:

(1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;

(2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or below the levels described in this subdivision and bearing a cost to the occupant no greater than thirty percent of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is

larger; ("geographic area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

Size of Household	Percent of State or Geographic Area Family Median Income
One Person	35%
Two Persons	40%
Three Persons	45%
Four Persons	50%
Five Persons	54%
Six Persons	58%
Seven Persons	62%
Eight Persons	66%

(3) "Business firm", 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;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri or transportation services at below-cost rates as provided in sections 208.250 to 208.275, RSMo;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a shareholder in an S corporation shall be deemed to be doing business in the state of Missouri if such firm or S corporation, as the case may be, is doing business in the state of Missouri;

(9) "Economic development", the acquisition, renovation, improvement, or the furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the state when such acquisition, renovation, improvement, or the furnishing or equipping of the business development projects will result in the creation or retention of jobs within the state; or, until June 30, 1996, a defense conversion pilot project located in a standard metropolitan statistical area which contains a city with a population of at least three hundred fifty thousand inhabitants, which will assist Missouri-based defense industry contractors in their conversion from predominately defense-related contracting to nondefense-oriented manufacturing. Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to conduct economic development projects. Prior to the approval of an economic development project, the neighborhood organization shall enter into a contractual agreement with the department of economic development. Credits approved for economic development projects may not exceed four million dollars from within any one fiscal year's allocation. Neighborhood assistance program tax credits for economic development projects and affordable housing assistance as defined in section 32.111, may be transferred, sold or assigned by a notarized endorsement thereof naming the

transferee;

(10) "Education", any type of scholastic instruction or scholarship assistance to an individual who resides in the state of Missouri that enables the individual to prepare himself or herself for better opportunities or community awareness activities rendered by a statewide organization established for the purpose of archeological education and preservation;

(11) "Eligible farmer's market", a group of farmers, each of whom farms agricultural land located within this state which he or she rents or owns, and who have formed a group for the purpose of allowing each member farmer to sell his or her products derived from his or her farming activities to the public at a common structure or building when at least fifty percent of the costs of such structure or building are paid for by such group of farmers;

(12) "Eligible new generation cooperative", as defined in section 348.340, RSMo;

[11] **(13)** "Homeless assistance pilot project", the program established pursuant to section 32.117;

[(12)] **(14)** "Job training", any type of instruction to an individual who resides in the state of Missouri that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment;

[(13)] **(15)** "Neighborhood organization", any organization performing community services or economic development activities in the state of Missouri and:

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation pursuant to the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation pursuant to the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government pursuant to the provisions of Title VII of the Economic Opportunity Act of 1964; **or**

(d) Contributing funds to help finance a building or structure or purchase equipment located within this state and used to sell agricultural food products or to add value to food products produced in this state by members of an eligible new generation cooperative; or contributing funds to help finance a building or structure or purchase equipment owned by a not-for-profit organization located within this state and used to sell agricultural food products or to add value to food products produced by family farms as defined in subdivision (4) of section 350.010, RSMo, or family farm corporations as defined in subdivision (5) of section 350.010, RSMo;

[(14)] **(16)** "Physical revitalization", furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood area;

[(15)] **(17)** "S corporation", a corporation described in Section 1361(a)(1) of the United States Internal Revenue Code and not subject to the taxes imposed by section 143.071, RSMo, by reason of section 143.471, RSMo;

[(16)] **(18)** "Workfare renovation project", any project initiated pursuant to sections 215.340 to 215.355, RSMo.

32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, **eligible farmers' markets** or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for

implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 and twenty-six million dollars in fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding. **The total amount of tax credits allowed for programs of neighborhood organizations defined pursuant to paragraph (d) of subdivision (15) of section 32.105 is two and one-half million dollars per fiscal year for fiscal years 2002 to 2006.**"; and

Further amend said bill, Page 139, Section 260.210, Line 37 of said page, by inserting after all of said line the following:

"**261.032. The director of the department of agriculture shall, for the use of the marketing division of the department of agriculture, develop and implement rules and regulations by product category for all Missouri agricultural products included in the AgriMissouri marketing program or any equivalent successor program. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.**

261.037. 1. There is hereby created in the state treasury for the use of the marketing division of the state department of agriculture a fund to be known as "The Missouri Agricultural Products Marketing Development Fund". The general assembly shall appropriate to the fund from the general revenue fund one million three hundred thousand dollars for fiscal year 2002, one million dollars for fiscal year 2003 and seven hundred fifty thousand dollars for fiscal years 2004 to 2006. All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source, including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the marketing division of the state department of agriculture for purposes of Missouri agricultural products marketing development as specified in this section. The unexpended balance in the Missouri agricultural products marketing development fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

2. There is hereby created within the department of agriculture the "Citizens' Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines for the spending by the marketing division of the department of agriculture of all moneys in the Missouri

agricultural products marketing development fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the AgriMissouri or successor trademark associated with Missouri agricultural products which has been approved by the general assembly, and shall advance the following objectives:

(1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;

(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;

(3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;

(4) Providing training and technical assistance to cooperative-marketing partners.

The commission shall establish a fee structure for sellers electing to use the AgriMissouri or successor trademark associated with Missouri agricultural products. Under the fee structure: (1) A seller having gross annual sales greater than two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark; and (2) All sellers having gross annual sales less than or equal to two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall, after three years of selling Missouri agricultural products carrying the AgriMissouri or successor trademark, shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark. All trademark fees shall be deposited to the credit of the Missouri agricultural products marketing development fund, created pursuant to section 261.037. The commission may also create two additional trademark labels to be associated with Missouri agricultural products which are certified organic products and certified family farm produced products.

3. The marketing division of the department of agriculture is authorized to promote rules consistent with the guidelines and fee structure established by the commission. No rule or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate. One member shall be the director of the market development division of the department of agriculture. At least one member shall be a specialist in advertising; at least one member shall be a specialist in agribusiness; at least one member shall be a specialist in the retail grocery business; at least one member shall be a specialist in communications; at least one member shall be a specialist in product distribution; at least one member shall be a family farmer with expertise in livestock farming; at least one member shall be a family farmer with expertise in grain farming and at least one member shall be a family farmer with expertise in organic farming. Members shall serve for four-year terms, except in the first appointments three members shall be appointed for terms of four years, three members shall be appointed for terms of three years and three members shall be appointed for terms of two years each. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of the term of the member causing the vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by the commission.

5. Commission members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission. The division of market development of the department of agriculture shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet quarterly and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing to such members prior to the meeting date. A simple majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.

261.038. The marketing division of the department of agriculture shall create an Internet web site for the purpose of fostering the marketing of Missouri agricultural products over the Internet. The web site shall allow consumers to place orders for Missouri agricultural products over the Internet and shall enable small companies which process Missouri agricultural products to pool products with other such small companies.

261.110. 1. The department of agriculture shall develop standards and labeling for organic farming.

2. The department of agriculture shall adopt rules to implement the provisions of this section.

3. 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 said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 159, Section C, Line 39 of said page, by inserting after all of said line the following:

"Section D. Sections 381.011, 381.021, 381.041, 381.051, 381.061, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, and sections 381.031 and 381.231, RSMo Supp. 1999, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 381.003, 381.009, 381.015, 381.018, 381.022, 381.025, 381.028, 381.032, 381.035, 381.038, 381.042, 381.045, 381.048, 381.052, 381.055, 381.058, 381.062, 381.065, 381.068, 381.072, 381.075, 381.078, 381.085, 381.088, 381.092, 381.095, 381.098, 381.102, 381.105, 381.108, 381.112, 381.115, 381.118, 381.122, 381.125, 381.410 and 381.412, to read as follows:

381.003. 1. Sections 381.003 to 381.125 shall be known and may be cited as the "Missouri Title Insurance Act".

2. Sections 381.009 to 381.048 shall apply to all persons engaged in the business of title insurance in this state. Sections 381.052 to 381.112 shall apply to all title insurers engaged in the business of title insurance in this state. Sections 381.115 to 381.125 shall apply to all title agencies engaged in the business of title insurance in this state.

3. Except as otherwise expressly provided in this chapter and except where the context otherwise requires, all provisions of the insurance code applying to insurance and insurance companies generally shall apply to title insurance, title insurers and title agents.

381.009. As used in this chapter, the following terms mean:

(1) "Abstract of title" or "abstract", a written history, synopsis or summary of the recorded instruments affecting the title to real property;

(2) "Affiliate", a specific person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or

is under common control with, the person specified;

(3) "Affiliated business", any portion of a title insurance agency's business written in this state that was referred to it by a producer of title insurance business or by an associate of the producer, where the producer or associate, or both, have a financial interest in the title agency;

(4) "Associate", any:

(a) Business organized for profit in which a producer of title business is a director, officer, partner, employee or an owner of a financial interest;

(b) Employee of a producer of title business;

(c) Franchisor or franchisee of a producer of title business;

(d) Spouse, parent or child of a producer of title insurance business who is a natural person;

(e) Person, other than a natural person, that controls, is controlled by, or is under common control with, a producer of title business;

(f) Person with whom a producer of title insurance business or any associate of the producer has an agreement, arrangement or understanding, or pursues a course of conduct, the purpose or effect of which is to provide financial benefits to that producer or associate for the referral of business;

(5) "Bona fide employee of the title insurer", an individual who devotes substantially all of his or her time to performing services on behalf of a title insurer and whose compensation for those services is in the form of salary or its equivalent paid by the title insurer;

(6) "Control", including the terms "controlling", "controlled by" and "under common control with", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position or corporate office held by the person. Control shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing ten percent or more of the voting securities of another person. This presumption may be rebutted by showing that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(7) "County" or "counties" includes any city not within a county;

(8) "Direct operations", that portion of a title insurer's operations which are attributable to business written by a bona fide employee;

(9) "Director", the director of the department of insurance, or the director's representatives;

(10) "Escrow", written instruments, money or other items deposited by one party with a depository, escrow agent or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event;

(11) "Escrow, settlement or closing fee", the consideration for supervising or handling the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;

(12) "Financial interest", a direct or indirect legal or beneficial interest, where the holder is or will be entitled to five percent or more of the net profits or net worth of the entity in which the interest is held;

(13) "Foreign title insurer", any title insurer incorporated or organized pursuant to the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States;

(14) "Geographically indexed or retrievable", a system of keeping recorded

documents which includes as a component a method for discovery of the documents by:

(a) Searching an index arranged according to the description of the affected land; or

(b) An electronic search by description of the affected land;

(15) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account any ceded liability and collateral, acceptable to the director, and maintained by the insurer;

(16) "Non-U.S. title insurer", any title insurer incorporated or organized pursuant to the laws of any foreign nation or any province or territory;

(17) "Premium", the consideration paid by or on behalf of the insured for the issuance of a title insurance policy or any endorsement or special coverage. It does not include consideration paid for settlement or escrow services or noninsurance-related information services;

(18) "Producer", any person, including any officer, director or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:

(a) Buying or selling interests in real property;

(b) Making loans secured by interests in real property; or

(c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with the interest as security;

(19) "Qualified depository institution", an institution that is:

(a) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed pursuant to the laws of the United States or any state and has been granted authority to operate with fiduciary powers;

(b) Regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

(c) Insured by the appropriate federal entity; and

(d) Qualified under any additional rules established by the director;

(20) "Referral", the directing or the exercising of any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral;

(21) "Search", "search of the public records" or "search of title", a search of those records established by the laws of this state for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge;

(22) "Security" or "security deposit", funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage;

(23) "Subsidiary", an affiliate controlled by a person directly or indirectly through one or more intermediaries;

(24) "Title agency" means an authorized person who issues title insurance on behalf of a title insurer. An attorney licensed to practice law in this state who issues title insurance as a part of his or her law practice, but does not maintain or operate a title insurance business separate from such law practice is not a title agency;

(25) "Title agent" or "agent", an attorney licensed to practice law in this state who issues title insurance as part of his or her law practice, but who is not affiliated with or acting on behalf of a title agency, or an authorized person who, on behalf of a title agency or on behalf of a title agent not affiliated with a title agency, performs

one or more of the following acts in conjunction with the issuance of a title insurance commitment or policy:

(a) Determines insurability, based upon a review of a search of title;

(b) Performs searches;

(c) Handles escrows, settlements or closings; or

(d) Solicits or negotiates title insurance business;

(26) "Title insurance business" or "business of title insurance":

(a) Issuing as insurer or offering to issue as insurer a title insurance policy;

(b) Transacting or proposing to transact by a title insurer any of the following activities when conducted or performed in contemplation of and in conjunction with the issuance of a title insurance policy:

a. Soliciting or negotiating the issuance of a title insurance policy;

b. Guaranteeing, warranting or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases and for all liens or charges affecting the same;

c. Handling of escrows, settlements or closings;

d. Executing title insurance policies;

e. Effecting contracts of reinsurance; or

f. Abstracting, searching or examining titles;

(c) Guaranteeing, warranting or insuring searches or examinations of title to real property or any interest in real property;

(d) Guaranteeing or warranting the status of title as to ownership of or liens on real property by any person other than the principals to the transaction;

(e) Promising to purchase or repurchase for consideration an indebtedness because of a title defect, whether or not involving a transfer of risk to a third person; or

(f) Promising to indemnify the holder of a mortgage or deed of trust against loss from the failure of the borrower to pay the mortgage or deed of trust when due if the property fails to yield sufficient proceeds upon foreclosure to satisfy the debt, when one or both of the following conditions exist:

a. The security has been impaired by the discovery of a previously unknown property interest in favor of one who is not liable for the payment of the mortgage or deed of trust; or

b. Perfection of the position of the mortgage or deed of trust which was assured to exist cannot be obtained, notwithstanding timely recordation with the recorder of deeds of the county in which the property is located; or

(g) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subdivision in a manner designed to evade the provisions of this chapter;

(27) "Title insurance commitment" or "commitment", a preliminary report, commitment or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions and other matters incorporated by reference under which the title insurer is willing to issue its title insurance policy. A title insurance commitment is not an abstract of title;

(28) "Title insurance policy" or "policy", a contract insuring or indemnifying owners of, or other persons lawfully interested in, real property or any interest in real property, against loss or damage arising from any or all of the following conditions existing on or before the policy date and not excepted or excluded:

(a) Title to the estate or interest in land being otherwise than as stated in the policy;

(b) Defects in or liens or encumbrances on the insured title;

(c) Unmarketability of the insured title;

(d) Lack of legal right of access to the land;

(e) Invalidity or unenforceability of the lien

of an insured mortgage;

(f) The priority of a lien or encumbrance over the lien of any insured mortgage;

(g) The lack of priority of the lien of an insured mortgage over a statutory lien for services, labor or material;

(h) The invalidity or unenforceability of an assignment of the insured mortgage; or

(i) Rights or claims relating to the use of or title to the land;

(29) "Title insurer" or "insurer", a company organized pursuant to laws of this state for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in this state to transact the business of title insurance;

(30) "Title plant", a set of records encompassing at least the most recent forty-five years, consisting of documents, maps, surveys or entries affecting title to real property or any interest in or encumbrance on the property, which have been filed or recorded in the jurisdiction for which the title plant is established or maintained. The records in the title plant shall be geographically indexed or retrievable as to those records containing a legal description of affected land, and otherwise by name of affected person;

(31) "Underwrite", the authority to accept or reject risk on behalf of the title insurer.

[381.011. 1. Sections 381.011 to 381.241 shall be known and may be cited as the "Missouri Title Insurance Act".

2. The purpose of sections 381.011 to 381.241 is to provide the state of Missouri with a comprehensive body of law for the effective regulation and supervision of title insurance business transacted within this state in response to the McCarran-Ferguson Act, Sections 1011-1015, Title 15, United States Code.]

381.015. 1. When a title insurance commitment issued by a title insurer, title agency or title agent includes an offer to issue an owner's policy covering the resale of owner-occupied residential property, the commitment shall incorporate the following statement in bold type:

"Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered."

2. A title insurer, title agency or title agent issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the real estate securing the loan, where no owner's title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the director, to the purchaser-mortgagor at the time the commitment is prepared. The notice shall explain that a lender's title insurance policy is to be issued protecting the mortgage-lender, and that the policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased. The notice shall explain what a title policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's policy. The notice shall also explain that the purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages are or amount of insurance is not then known. A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least fifteen years after the effective date of the policy.

3. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

381.018. 1. The title insurer shall not allow the issuance of its commitments or policies by a title agency or title agent not affiliated with a title agency unless there is in force a written contract between the parties which sets forth the

responsibilities of each party or, where both parties share responsibility for particular functions, specifies the division of responsibilities.

2. For each title agency or title agent not affiliated with a title agency under contract with the insurer, the title insurer shall have on file a statement of financial condition, of each title agency or title agent as of the end of the previous calendar or fiscal year setting forth an income statement of business done during the preceding year and a balance sheet showing the condition of its affairs as of the close of the prior year, certified by the agency or agent as being a true and accurate representation of the agency's or agent's financial condition. The statement shall be filed with the insurer no later than the date the agency's or agent's federal income tax return for the same year is filed. Attorneys actively engaged in the practice of law, in addition to that related to title insurance business, are exempt from the requirements of this subsection.

3. The title insurer shall conduct reviews of the underwriting, claims and escrow practices of its agencies and agents which shall include a review of the agency's or agent's policy blank inventory and processing operations. If any such title agency or title agent does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title agency or title agent not affiliated with a title agency. The title insurer shall conduct a review of each of its agencies and agents at least triennially commencing January first of the year first following the effective date of sections 381.003 to 381.125.

4. Within thirty days of executing or terminating a contract with a title agency or title agent not affiliated with a title agency, the insurer shall provide notification of the appointment or termination and the reason for termination to the director. Notices of appointment of a title agency or title agent shall be made on a form promulgated by the director.

5. The title insurer shall maintain an inventory of all policy numbers allocated to each title agency or title agent not affiliated with a title agency.

6. The title insurer shall have on file proof that the title agency or title agent is licensed by this state.

7. The title insurer shall establish the underwriting guidelines and, where applicable, limitations on title claims settlement authority to be incorporated into contracts with its title agencies and title agents not affiliated with a title agency.

8. Each violation of any provision of this section is a class B violation as that term is defined in section 381.045.

[381.021. 1. Sections 381.011 to 381.241 shall apply to all persons engaged in the business of title insurance in this state.

2. Except as otherwise expressly provided in sections 381.011 to 381.241, and except where the context otherwise requires, all provisions of the insurance laws of this state applying to insurance and insurance companies generally shall apply to title insurance and title insurance companies. No law of this state enacted after September 28, 1987, that is inconsistent with the provisions of such sections shall be applicable to the business of title insurance unless such law specifically states that it is to be applicable to the business of title insurance.

3. Nothing in sections 381.011 to 381.241 shall be construed to authorize the practice of law by any person who is not duly admitted to practice law in this state nor shall it be construed to authorize the director to regulate the practice of law or the sale of real estate.]

381.022. 1. A title insurer, title agency or title agent not affiliated with a title agency may operate as an escrow, security, settlement or closing agent, provided that:

(1) All funds deposited with the title insurer, title agency or title agent not affiliated with a title agency in connection with any escrow, settlement, closing or security deposit shall be submitted for collection to or deposited in a separate fiduciary trust account or accounts in a qualified depository institution no later than the close of the next business day after receipt, in accordance with the following requirements:

(a) The funds shall be the property of the person or persons entitled to them under the provisions of the escrow, settlement, security deposit or closing agreement and shall be segregated for each depository by escrow, settlement, security deposit or closing in the records of the title insurer, title agency or title agent not affiliated with a title agency, in a manner that permits the funds to be identified on an individual basis and in accordance with the terms of the individual instructions or agreements under which the funds were accepted; and

(b) The funds shall be applied only in accordance with the terms of the individual instructions or agreements under which the funds were accepted;

(2) Funds held in an escrow account shall be disbursed only pursuant to a written instruction or agreement specifying under what conditions and to whom such funds may be disbursed or pursuant to an order of a court of competent jurisdiction;

(3) Funds held in a security deposit account shall be disbursed only pursuant to a written agreement specifying:

(a) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;

(b) The duties of the title insurer, title agency or title agent not affiliated with a title agency with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(c) Any other provisions the director may require;

(4) Any interest received on funds deposited in connection with any escrow, settlement, security deposit or closing may be retained by the title insurer, title agency or title agent not affiliated with a title agency as compensation for administration of the escrow or security deposit, unless the instructions for the funds or a governing statute provides otherwise;

(5) Each violation of this subsection is a class A violation as that term is defined in section 381.045.

2. The title agency or title agent not affiliated with an agency shall cooperate with its underwriters in the conduct by the underwriters of reviews of the agency's or agent's escrow, settlement, closing and security deposit accounts. The title insurer shall provide a copy of the report of each such review it performs to the director. The director may promulgate rules setting forth the minimum threshold level at which a review would be required, the standards thereof and the form of report required.

3. If the title agency or title agent not affiliated with an agency is appointed by two or more title insurers and maintains fiduciary trust accounts in connection with providing escrow or closing settlement services, the title agency or title agent shall allow each title insurer reasonable access to the accounts and any or all of the supporting account information in order to ascertain the safety and security of the funds held by the title agency or title agent.

4. (1) Nothing in this chapter shall be deemed to prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction in which a title insurer, title agency or title agent not affiliated with a title agency is the settlement agent, provided all parties to whom payment will become due upon such recording consent thereto in writing;

(2) The settlement agent shall record all deeds and security instruments for real estate

closings handled by it within three business days after completion of all conditions precedent thereto;

(3) Each violation of this subsection is a class C violation as that term is defined in section 381.045.

381.025. 1. A title insurer, title agency, title agent or other person shall not give or receive, directly or indirectly, any consideration for the referral of title insurance business or escrow or other service provided by a title insurer, title agency or title agent. Each violation of this subsection is a class A violation as that term is defined in section 381.045.

2. Any title insurer, title agency or title agent doing business in the same county as a title insurer, title agency or title agent who may be in violation of the prohibitions or limitations of this section shall have standing to seek injunctive relief against the violating title insurer, title agency or title agent in the event the department declines or fails to enforce this section within forty-five days following receipt of written notice of such violation. In any action pursuant to this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.

381.028. No title insurer, title agency or title agent shall participate in any transaction in which it knows that a producer or other person requires, directly or indirectly, or through any trustee, director, officer, agent, employee or affiliate, as a condition, agreement or understanding to selling or furnishing any other person a loan, or loan extension, credit, sale, property, contract, lease or service, that the other person shall place a title insurance policy of any kind with the title insurer or through a particular title agency or agent. Each violation of this section is a class A violation as that term is defined in section 381.045.

[381.031. As used in sections 381.011 to 381.241, the following terms mean:

(1) "Alien title insurer", any title insurer incorporated or organized under the laws of any foreign nation or any province or territory thereof;

(2) "Applicant", a person, whether or not a prospective insured, who applies to a title insurer or title agent, or agency for a title insurance policy and who, at the time of the application, is not a title agent or agency;

(3) "Approved attorney", an attorney at law who is not an agent or employee of a title insurer, and whose certification as to status of title a title insurer is willing to accept as the basis for issuance of its title insurance policy;

(4) "Charge", any fee billed by a title agent, agency, or title insurer for the performance of services other than fees that fall within the definition of premium in this section. "Charge" includes, but is not limited to, fees for document preparation, fees for the handling of escrows, settlements, or closing, and fees for services commenced but not completed. "Charge" does not include fees collected by a title insurer, title agency, or title agent in an escrow, settlement or closing when the fees are limited to the amount billed for services rendered by an entity independent of the title insurer, title agent, or agency;

(5) "Controlled business", any portion of a title insurer's, title agency's or title agent's business of title insurance in this state, referred to it by any producer of title business or by any associate of such producer, where the producer of title business, the associate, or both, have a financial interest in the title insurer, title agency, or title agent to which business is referred;

(6) "Director", the director of the department of insurance;

(7) "Domestic title insurer", a title insurer organized under the laws of this state;

(8) "Escrow, settlement or closing fee", the consideration for supervising the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;

(9) "Financial interest", any interest, legal or beneficial, that entitles the holder directly or indirectly to one percent or more of the net profits or net worth of the entity in which the interest is held, but does not include payments of principal or interest made to a mortgage holder of the title agency;

(10) "Foreign title insurer", any title insurer organized under the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States;

(11) "Gross operating revenue", all amounts received by a title insurer, title agency, or title agent from premiums and charges;

(12) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account the deduction for ceded reinsured liability, if any;

(13) "Person", any natural person, partnership, association, cooperative, corporation, trust, or other legal entity;

(14) "Premium", risk rates charged to the insured;

(15) "Producer of title business" or "producer", any person, including any officer, director, or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:

(a) Buying or selling interests in real property;

(b) Making loans secured by interests in real property; or

(c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with such interest as security;

(16) "Single risk", the insured amount of any title insurance policy, except that where two or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest, a payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgagee title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy;

(17) "Title agent" or "title insurance agent", any authorized agent of a title insurer or representative of the title agent or agency, who acts as a title agent in the solicitation of, negotiation for, or procurement or making of any title insurance contract. The following persons are not title agents or title insurance agents:

(a) Approved attorneys;

(b) Salaried officers or employees of title insurers, title agents or title insurance agencies who do not do any of the following:

a. Establish premiums for policies of title insurance;

b. Determine insurability; or

c. Issue commitments, policies or other contracts of title insurance;

(18) "Title insurance agency" or "agency", any individual transacting or doing business under any name other than his true name, any partnership, unincorporated association or corporation, transacting or doing

business with the public or title insurance companies as a title insurance agent;

(19) "Title insurance business" or "business of title insurance" means:

(a) Issuing as insurer or offering to issue as insurer a title insurance policy;

(b) Transacting or proposing to transact by a title insurer, title agency, or title agent any of the following activities when conducted or performed by a title agent, title agency, or title insurer in conjunction with the issuance of its title insurance:

a. Soliciting or negotiating the issuance of a title insurance policy;

b. Guaranteeing, warranting, or otherwise insuring the correctness of title searches;

c. Handling of escrows, settlements, or closings;

d. Execution of title insurance policies, reports, commitments, binders, and endorsements;

e. Effecting contracts of reinsurance; or

f. Abstracting, searching, or examining titles;

(c) Transacting by a title insurer, title agent, or agency of matters subsequent to the issuance of a title insurance policy and arising out of it; or

(d) Doing or proposing to do any business in substance equivalent to any of the foregoing in order to evade any provision of this act;

(20) "Title insurance policy" or "policy", a contract insuring or indemnifying against loss or damage arising from any or all of the following:

(a) Defects in or liens or encumbrances on the insured title;

(b) Unmarketability of the insured title; or

(c) Invalidity or unenforceability of liens or encumbrances on the stated property. "Title insurance policy" does not include a preliminary report, binder, commitment, or abstract;

(21) "Title insurer", a company organized under laws of this state for the purpose of transacting as insurer the business of title insurance and any foreign or alien title insurer engaged in this state in the business of title insurance as insurer;

(22) "Title plant", an index of the records of a county which imparts constructive notice to purchasers of real property, which encompasses at least the most recent forty-five years. The index shall be kept geographically as to those records containing a legal description of affected land, and otherwise by name of affected person.]

381.032. 1. No title insurer, may charge any rates regulated by the state after the effective date of sections 381.003 to 381.125, except in accordance with the premium rate schedule and manual filed with and approved by the director in accordance with applicable statutes and regulations governing rate filings. Premium rate schedules in effect prior to the effective date of sections 381.003 to 381.125 may be used until new rate schedules have been approved by the director. Title insurers shall file their premium rate schedules within thirty days after the effective date of sections 381.003 to 381.125. Each violation of this subsection is a class C violation as that term is defined in section 381.045. Nothing in this section shall prevent an agent not affiliated with an agency from charging for services that constitute the practice of law at the customary fee charged by such person for legal services. To the extent the premium fails to compensate the agent at such rate, the agent may render an additional bill for such services on behalf of the agent's law practice or law firm. The acceptance of any part of the premium by the law firm of said agent

shall not be a violation of any provision of the Missouri Title Insurance Act or the general insurance statutes, regulations or bulletins regarding payment of commissions to nonlicensed entities.

2. The director may establish rules, including rules providing statistical plans, for use by all title insurers, title agencies and title agents in the recording and reporting of revenue, loss and expense experience in such form and detail as is necessary to aid the director in the establishment of rates and fees.

3. The director may require that the information provided pursuant to this section be verified by oath of the insurer's or agency's president or vice president or secretary or actuary, as applicable. The director may further require that the information required pursuant to this section be subject to an audit conducted at the expense of the title insurer or title agency by an independent certified public accountant. The director shall have the authority to establish a minimum threshold level at which an audit would be required.

4. Information filed with the director relating to the experience of a particular agency shall be kept confidential unless the director finds it in the public interest to disclose the information required of title insurers or title agencies pursuant to this section. Prior to any such disclosure of confidential information, the director shall provide notice and opportunity to be heard to the title insurers and title agencies who would be affected thereby.

381.035. No title insurance company, title agency or title agent shall willfully withhold information from, or knowingly give false or misleading information to the director, or to any title insurance rating organization, of which the title insurance company is a member or subscriber, which will affect the rates or fees chargeable pursuant to this chapter. Each violation of this section is a class A violation as that term is defined in section 381.045.

381.038. 1. Evidence of the examination of title and determination of insurability generated by a title insurer engaged in direct operations, title agency or title agent shall be preserved and maintained by such insurer, agency or agent for as long as appropriate to the circumstances but, in no event less than fifteen years after the title insurance policy has been issued.

2. Records relating to escrow and security deposits shall be preserved and retained by a title insurer engaged in direct operations, title agency and title agent for as long as appropriate to the circumstances but, in no event less than five years after the escrow or security deposit account has been closed.

3. This section shall not apply to a title insurer acting as coinsurer if one of the other coinsurers has complied with this section.

4. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

[381.041. 1. No person other than a domestic, foreign, or alien title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.

2. Each title insurer may engage in the title insurance business in this state if licensed to do so by the director and provide any other service related or incidental to the sale and transfer or financing of property.

3. A title insurer shall maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.]

381.042. 1. The director may issue rules, regulations and orders necessary to carry out the provisions of this chapter.

2. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

381.045. 1. If the director determines that

the title insurer or any other person has violated this chapter, or any regulation or order promulgated thereunder, after notice and opportunity to be heard, the director may order:

(1) For each violation a monetary penalty which shall take into account the harm the violation caused or could have caused or potential harm to the public and which shall not exceed:

(a) One thousand dollars per violation for a class A violation;

(b) Five hundred dollars per violation for a class B violation; and

(c) One hundred dollars per violation for a class C violation;

(2) Revocation or suspension of the title insurer's license; or

(3) Both monetary penalty and revocation or suspension.

2. Nothing contained in this section shall affect the right of the director to impose any other penalties provided for in the insurance code.

3. Nothing contained in this chapter is intended to or shall in any other manner limit or restrict the rights of policyholders, claimants and creditors.

381.048. The director may bring an action in a court of competent jurisdiction to enjoin violations of the Real Estate Settlement Procedures Act, 12 U.S.C. Section 2607, as amended.

[381.051. 1. A title insurer, before issuing any title insurance policy covering property located in this state, shall deposit with the director of the department of insurance, hereinafter referred to as the director, a sum of four hundred thousand dollars, which shall be held for the security and protection of the holders or beneficiaries under its title insurance policies.

2. Assets deposited pursuant to this section may, with the approval of the director, be exchanged from time to time for other assets that qualify under subsection 3 of this section.

3. The depositing title insurer shall receive the income, interests, and dividends on any assets deposited. The deposit required under this section may be made in legal tender or in investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus. For capital and reserve deposits, sums deposited pursuant to this section shall be valued at their market value.

4. A title insurer that has deposited assets pursuant to this section may, with the approval of the director, withdraw any part of the assets so deposited. If any such title insurer continues to engage in the business of title insurance, it shall not be permitted to withdraw assets that would reduce the amount of its deposits below the amount required by subsection 1 of this section.

5. In lieu of such a deposit maintained in this state, the director shall accept a certificate or certificates in proper form of the public officer or officers having general supervision of title insurers in its state of domicile to the effect that a deposit or total deposits, in an equal or greater amount, in classes of investment authorized in such state, are being maintained for like purposes in public custody or control pursuant to the laws of such state on behalf of the title insurer.

6. If sections 381.011 to 381.241 require a greater amount of capital and surplus or deposits than that required of a title insurer prior to September 28, 1987, such title insurer shall have three years after September 28, 1987, to comply with any such increased requirement.

7. The provisions of sections 375.950 to 375.990, RSMo, shall apply

to the impairment of capital, liquidation, and rehabilitation of title insurers.]

381.052. No person other than a domestic, foreign or non-U.S. title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.

381.055. Subject to the exceptions and restrictions contained in this chapter, a title insurer shall have the power to:

(1) Do only title insurance business;

(2) Reinsure title insurance policies; and

(3) Perform ancillary activities, unless prohibited by the director, including examining titles to real property and any interest in real property and procuring and furnishing related information and information about relevant personal property, when not in contemplation of, or in conjunction with, the issuance of a title insurance policy.

381.058. 1. No insurer that transacts any class, type or kind of business other than title insurance shall be eligible for the issuance or renewal of a license to transact the business of title insurance in this state nor shall title insurance be transacted, underwritten or issued by any insurer transacting or licensed to transact any other class, type or kind of business.

2. A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest of bonds or mortgages.

3. (1) Notwithstanding subsection 1 of this section, and to the extent such coverage is lawful within this state, a title insurer is expressly authorized to issue closing or settlement protection to a proposed insured upon request if the title insurer issues a commitment, binder or title insurance policy. Such closing or settlement protection shall conform to the terms of coverage and form of instrument as required by the director and may indemnify a proposed insured solely against loss of settlement funds only because of the following acts of a title insurer's named title agency or title agent:

(a) Theft of settlement funds; and

(b) Failure to comply with written closing instructions by the proposed insured when agreed to by the title agency or title agent relating to title insurance coverage;

(2) The director may promulgate or approve a required charge for providing the coverage;

(3) A title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.

[381.061. 1. The net retained liability of a title insurer for a single risk on property located in this state, whether assumed directly or as reinsurance, may not exceed fifty percent of the sum of its total surplus to policyholders and unearned premium reserve, less the admitted asset value assigned to title plants, as shown in the most recent annual statement of the title insurer on file in the office of the director.

2. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.]

381.062. Before being licensed to do an insurance business in this state, a title insurer shall establish and maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.

381.065. 1. The net retained liability of a title insurer for a single risk in regard to property located in this state, whether assumed directly or as reinsurance, shall not exceed the aggregate of fifty percent of surplus as regards policyholders plus the statutory premium reserve less the company's investment in title plants, all as shown in the most recent annual statement of the insurer on file with the director.

2. For purposes of this chapter:

(1) A single risk shall be the insured amount of any title insurance policy, except that, where two or more title insurance policies are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the title insurance policies; and

(2) A policy under which a claim payment reduces the amount of insurance under one or more other title insurance policies shall be included in computing the single risk sum only to the extent that its amount exceeds the aggregate amount of the policy or policies whose amount of insurance is reduced.

3. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.

4. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.

381.068. In determining the financial condition of a title insurer doing business pursuant to this chapter, the general investment provisions of sections 376.300 to 376.305, RSMo, shall apply; except that, an investment in a title plant or plants in an amount equal to the actual cost shall be allowed as an admitted asset for title insurers. The aggregate amount of the investment shall not exceed fifty percent of surplus to policyholders, as shown on the most recent annual statement of the title insurer on file with the director.

381.072. In determining the financial condition of a title insurer doing business pursuant to this chapter, the general provisions of the insurance code requiring the establishment of reserves sufficient to cover all known and unknown liabilities including allocated and unallocated loss adjustment expense, shall apply; except that, a title insurer shall establish and maintain:

(1) (a) A known claim reserve in an amount estimated to be sufficient to cover all unpaid losses, claims and allocated loss adjustment expenses arising under title insurance policies for which the title insurer may be liable, and for which the insurer has discovered or received notice by or on behalf of the insured or escrow or security depositor;

(b) Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim;

(c) Reserves required pursuant to this section may be revised from time to time and shall be redetermined at least once each year;

(2) A statutory or unearned premium reserve established and maintained as follows:

(a) A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements;

(b) The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured;

(c) The unearned premium reserve shall consist of:

a. The amount of the unearned premium reserve on the effective date of sections 381.003 to 381.125; and

b. A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after the effective date of sections 381.003 to 381.125;

(d) Amounts placed in the unearned premium reserve in any year in accordance with paragraph (c) of subdivision (2) of this section shall be deducted in determining the net profit of the title insurer for that year;

(e) A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before the effective date of sections 381.003 to 381.125 shall be released in accordance with the law in effect immediately before the effective date of sections 381.003 to 381.125;

(f) a. Each domestic and foreign title insurer shall file annually with the audited financial report required pursuant to section 375.1032, RSMo, an actuarial certificate made by a member in good standing of the American Academy of Actuaries, or by an actuary permitted to make such certificate by the commissioner, superintendent or director of the department of insurance of the state of incorporation of a foreign title insurer;

b. The actuarial certification shall conform to the annual statement instructions for title insurers adopted by the National Association of Insurance Commissioners and shall include the actuary's professional opinion of the insurer's reserves as of the date of the annual statement. The reserves analyzed pursuant to this section shall include reserves for known claims, including adverse developments on known claims, and reserves for incurred but not reported claims;

(g) a. Each domestic and foreign title insurer shall establish a supplemental reserve in the amount by which the actuarially certified reserves exceed the total of the known claim reserve and statutory premium reserve as set forth in the title insurer's annual financial report, subject to subdivision (2) of this section;

b. The supplemental reserve required pursuant to this section shall be phased in as follows:

i. Twenty-five percent of the otherwise applicable supplemental reserve is required until December thirty-first of the year next following the effective date of sections 381.003 to 381.125;

ii. Fifty percent of the otherwise applicable supplemental reserve is required until December thirty-first of the second year following the effective date of sections 381.003 to 381.125;

iii. Seventy-five percent of the otherwise applicable supplemental reserve is required until December thirty-one of the third year following the effective date of sections 381.003 to 381.125;

iv. One hundred percent of the supplemental reserve is required after December thirty-first of the fourth year following the effective date of sections 381.003 to 381.125.

381.075. 1. Sections 375.570 to 375.750 and sections 375.1150 to 375.1246 shall apply to all title insurers subject to the title insurance act, except as otherwise provided in this section. In applying such sections, the court shall consider

the unique aspects of title insurance and shall have broad authority to fashion relief that provides for the maximum protection of the title insurance policyholders.

2. Security and escrow funds held by or on behalf of the title insurer shall not become general assets and shall be administered as secured claims as defined in section 375.1152, RSMo.

3. Title insurance policies that are in force at the time an order of liquidation is entered shall not be canceled except upon a showing to the court of good cause by the liquidator. The determination of good cause shall be within the discretion of the court. In making this determination, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

4. The court may set appropriate dates that potential claimants must file their claims with the liquidator. The court may set different dates for claims based upon the title insurance policy than for all other claims. In setting dates, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

5. As of the date of the order of insolvency or liquidation, all premiums paid, due or to become due under policies of the title insurers, shall be fully earned. It shall be the obligation of title agencies, title agents, insureds or representatives of the title insurer to pay fully earned premium to the liquidator or rehabilitator.

381.078. A title insurer shall only declare or distribute a dividend to shareholders with the prior written approval of the director, as would be permitted pursuant to subdivision (1) of subsection 1 of section 382.210, RSMo.

[381.081. 1. A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements.

2. The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured.

3. A foreign or alien title insurer licensed to transact title insurance business in this state shall maintain at least the same reserves on title insurance policies issued on properties located in this state as are required of domestic title insurers, unless the laws of the jurisdiction of domicile of the foreign or alien title insurer require a higher amount.

4. The unearned premium reserve shall consist of:

(1) The amount of the unearned premium reserve on September 28, 1987; and

(2) A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after September 28, 1987.

5. Amounts placed in the unearned premium reserve in any year in accordance with subdivision (2) of subsection 4 of this section shall be deducted in determining the net profit of the title insurer for that year.

6. A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before September 28, 1987, shall be released in accordance with the law in effect immediately before September 28, 1987.]

381.085. 1. A title insurer or authorized rate service organization shall not deliver or issue for delivery or permit any of its authorized title agencies or title agents to deliver in this state, any form, in connection with title insurance written, unless it has been filed with the director and approved by the director or thirty days have elapsed and it has not been disapproved as misleading or violative of public policy. Each violation of this subsection is a class C violation as that term is defined in section 381.045.

2. Forms covered by this section shall include:

(1) Title insurance policies, including standard form endorsements; and

(2) Title insurance commitments issued prior to the issuance of a title insurance policy.

3. After notice and opportunity to be heard are given to the insurer or rate service organization which submitted a form for approval, the director may withdraw approval of the form on finding that the use of the form is contrary to the legal requirements applicable at the time of withdrawal. The effective date of withdrawal of approval shall not be less than ninety days after notice of withdrawal is given.

4. Any term or condition related to an insurance coverage provided by an approved title insurance policy or any exception to the coverage, except those ascertained from a search and examination of records relating to a title or inspection or survey of a property to be insured, may only be included in the policy after the term, condition or exception has been filed with the director and approved as herein provided.

381.088. 1. A title insurer may satisfy its obligation to file premium rates, rating manuals and forms as required by this chapter by becoming a member of, or a subscriber to, a rate service organization, organized and licensed pursuant to the provisions of this chapter, where the organization makes the filings, and by authorizing the director in writing to accept the filings on the insurer's behalf.

2. Nothing in this chapter shall be construed as requiring any title insurer, title agency or title agent to become a member of, or a subscriber to, any rate service organization. Nothing in this chapter shall be construed as prohibiting the filing of deviations from rate service organization filings by any member or subscriber.

[381.091. 1. If a domestic title insurer becomes insolvent, is in the process of liquidation or dissolution, or is in the possession of the director:

(1) Such amount of the assets of such title insurer equal to the unearned premium reserve then remaining may be used by or with the written approval of the director to pay for reinsurance of the liability of such title insurer upon all outstanding title insurance policies or reinsurance agreements to the extent to which claims for losses by the holders thereof are not then pending. The balance of assets, if any, equal to the unearned premium reserve, may then be transferred to the general assets of the title insurer;

(2) The net assets of the unearned premium reserve shall be available to pay claims for losses sustained by holders of title insurance policies then pending or arising up to the time reinsurance is effected. If claims for losses exceed such other assets of the title insurer, such

claims, when established, shall be paid pro rata out of the surplus assets attributable to the unearned premium reserve to the extent of such surplus, if any.

2. If reinsurance is not obtained, assets equal to the unearned premium reserve and assets constituting minimum capital, or so much as remains thereof after outstanding claims have been paid, shall constitute a trust fund to be held and invested by the director for twenty years, out of which claims of policyholders shall be paid as they arise. The balance, if any, of the trust fund shall, at the expiration of twenty years, revert to the general assets of the title insurer.]

381.092. 1. Every title insurer that shall propose its own premium rates and every title insurance rating organization shall propose premium rates that are not excessive nor inadequate for the safety and soundness of any title insurer, which do not unfairly discriminate between risks in this state which involve essentially the same exposure to loss and expense elements, and which shall give due consideration to the following matters:

(1) The desirability for stability and responsiveness of rate structures;

(2) The necessity of assuring the financial solvency of title insurance companies in periods of economic depression;

(3) The necessity for paying dividends on the capital stock of title insurance companies sufficient to induce capital to be invested therein; and

(4) A reasonable level of profit for the insurer.

2. Every title insurer that shall propose its own rates and every title insurance rating organization may adopt basic classifications of policies or contracts of title insurance which shall be used as the basis for rates.

381.095. 1. If the director shall find in his review of rate filings that the filings provide for, result in, or produce rates that are not unreasonably high, and are not inadequate for the safeness and soundness of the insurer, and are not unfairly discriminatory between risks in this state involving essentially the same hazards and expense elements, the director shall approve such rates. Prior to such approval the director may conduct a public hearing with respect to a rate filing. An approval shall continue in effect until the director shall issue an order of disapproval pursuant to the requirements and procedure provided for in subsections 2 and 3 of this section.

2. Upon the review at any time by the director of a rate filing, the director shall, before issuing an order of disapproval, hold a hearing upon not less than ten days' written notice, specifying in reasonable detail the matters to be considered at such hearing, to every title insurer and title insurance rating organization which made such filing, and if, after such hearing, the director finds that such filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that it so fails, and stating when, within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. A title insurer or title insurance rating organization shall have the right at any time to withdraw a filing or a part thereof, subject to the provisions of section 381.102, in the case of deviation filing. Copies of the order shall be sent to every title insurer and title insurance rating organization affected. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

3. Any person or organization aggrieved with respect to any filing which is in effect may make written application to the director for a hearing thereon. The title insurance company or title insurance rating organization that made the filing shall not be authorized to proceed pursuant to this subsection. Such application shall specify in reasonable detail the grounds to be relied upon by the applicant. If the director shall find that the application is made in good

faith, that the applicant would be so aggrieved if his or her grounds are established, and that such grounds otherwise justify holding such a hearing, the director shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every title insurance company and title insurance rating organization which made such a filing. If, after such hearing, the director finds that the filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that such filing or a part thereof fails to meet the requirements of this chapter, stating when within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. Copies of such order shall be sent to the applicant and to every such title insurer and title insurance rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

381.098. 1. A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the director for license as a rating organization for title insurers, and shall file therewith:

(1) A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business;

(2) A list of its members and subscribers;

(3) The name and address of a resident of this state upon whom notices or orders of the director or process affecting such rating organization may be served; and

(4) A statement of its qualifications as a title insurance rating organization.

2. If the director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization, and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business, conform to requirements of law, the director shall issue a license authorizing the applicant to act as a rating organization for title insurance. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the director or withdrawn by the licensee. The fee for such license shall be one thousand five hundred dollars. Licenses issued pursuant to this section may be suspended or revoked by the director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the director promptly of every change in:

(1) Its constitution, its articles of agreement or association or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business;

(2) Its list of members and subscribers; and

(3) The name and address of the resident of this state designated by it upon whom notices or orders of the director or process affecting such rating organization may be served.

3. Subject to rules and regulations which have been approved by the director as reasonable, each title insurance rating organization shall permit any title insurance company not a member to be a subscriber to its rating services. Notices of proposed changes in such rules and regulations shall be given to subscribers. Each such rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any such rating organization to admit a title insurance company as a subscriber, shall at the request of any subscriber or any such title insurance company, be reviewed by the director at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber. If the director finds that such rule or regulation is unreasonable in its application to subscribers, the director shall order that such rule or regulation shall not be applicable to

subscribers. If the rating organization fails to grant or reject an application of a title insurance company for subscribership within thirty days after it was made, the title insurance company may request a review by the director as if the application had been rejected. If the director finds that the title insurance company has been refused admittance to the title insurance rating organization as a subscriber without justification, the director shall order such rating organization to admit the title insurance company as a subscriber. If the director finds that the action of the title insurance rating organization was justified, the director shall make an order affirming its action.

[381.101. 1. All title insurers licensed in this state shall establish and maintain reserves against unpaid losses and loss expenses.

2. Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim.

3. Reserves required under this section may be revised from time to time and shall be redetermined at least once each year.]

381.102. Every member of or subscriber to a title insurance rating organization shall adhere to the filings made on its behalf by such organization, except that any title insurance company which is a member of or subscriber to such a rating organization may file with the director a uniform percentage of decrease or increase to be applied to any or all elements of the fees produced by the rating system so filed for a class of title insurance which is found by the director to be a proper rating unit for the application of such uniform decrease or increase, or to be applied to the rates for a particular area, or otherwise deviate from the rating plans, policy forms or other matters which are the subject of filings pursuant to this chapter. Such deviation filing shall specify the basis for the modification and shall be accompanied by the data or historical pattern upon which the applicant relies. A copy of the deviation filing and data shall be sent simultaneously to such rating organization. Deviation filings shall be subject to the provisions of section 381.095.

381.105. 1. Any member of or subscriber to a title insurance rating organization may appeal to the director from any action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization, and the director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal and to take action or make a decision upon it within thirty days. If such appeal is from the action or decision of the title insurance rating organization in rejecting a proposed addition to its filings, the director may, in the event the director finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with the director's findings, within a reasonable time after the issuance of such order. If the appeal is from the action of the title insurance rating organization with regard to a rate or a proposed change in or addition to its filings relating to the character and extent of coverage, the director shall approve the action of the rating organization or such modification thereof as shall have been suggested by the appellant if either be made in accordance with this chapter.

2. The failure of a title insurance rating organization to take action or make a decision within thirty days after submission to it of a proposal pursuant to this section shall constitute a rejection of such proposal within the meaning

of this section. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense allocation which differs from the system of expense allocation included in a filing made by such rating organization, the director shall, if the director grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal, the director shall apply the standards set forth in section 381.032.

381.108. 1. The director shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with the department, which may be modified from time to time, and which shall be used thereafter by each title insurer, in the recording and reporting of the composition of its business, its loss and countrywide expense experience and those of its title insurance underwriters in order that the experience of all title insurer may be made available, at least annually, in such form and detail as may be necessary to aid him or her in determining whether rating systems comply with the standards set forth in this chapter. Such rules and plans may also provide for the recording of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the director shall give due consideration to the rating systems on file with the department, and in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. Such rules and plans shall not place an unreasonable burden of expense on any title insurer. No title insurer shall be required to record or report its expense and loss experience on a classification basis that is inconsistent with the rating system filed by it, nor shall any title insurer be required to report the experience to any agency of which it is not a member or subscriber. The director may designate one or more rating organizations or other agencies to assist the director in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the director, to title insurers and rating organizations. The director shall give preference in such designation to entities organized by and functioning on behalf of title insurers operating in this state. If the director, in his or her judgment, determines that one or more of such organizations designated as statistical agent is unable or unwilling to perform its statistical functions according to reasonable requirements established from time to time by the director, he or she may, after consultation with such statistical agent and upon twenty days' notice to any affected companies, designate another person to act on the director's behalf in the gathering of statistical experience. The director shall in such case establish the fee to be paid to such designated person by the affected companies in order to pay the total cost of gathering and compiling such experience. Agencies designated by the director shall assist the director in making compilations of the reported data and such compilations shall be made available, subject to reasonable rules and regulations promulgated by the director, to insurers, rating organizations and any other interested parties.

2. Reasonable rules and plans may be promulgated by the director for the interchange of data necessary for the application of rating plans.

3. In order to further uniform administration of rate regulatory laws, the director and every title insurer and rating organization may exchange information and experience data with insurance supervisory officials, title insurers and rating organizations in other states, and may consult with them with respect to rate making and the application of rating systems.

4. 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.

[381.111. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.]

381.112. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall mean the amount of premium actually remitted to the title insurer and shall exclude any amount of premium retained by the title agent within the definition of "premium" contained in section 381.009.

381.115. 1. A person shall not act in the capacity of a title agency or title agent and a title insurer may not contract with any person to act in the capacity of a title agency or title agent with respect to risks located in this state unless the person is a licensed title agency or title agent in this state.

2. An individual employed by a licensed title agency or title agent to whom the agency or agent delegates authority to act on that agency's or agent's behalf shall be either individually licensed or be named on the employing agent's license if such employee performs any of the functions defined in paragraph (a) of subdivision (25) of section 381.009. Each person named on the license shall possess all qualifications determined by the director to be appropriate. The director may adopt rules, regulations, and requirements relating to licensing and practices of persons acting in the capacity of title agencies or agents. These persons may include title agencies, title agents, employees of either, and persons acting on behalf of title agencies or title agents. This subsection is not intended to include persons performing clerical functions.

3. Every title agency licensed in this state shall:

(1) Exclude or eliminate the word insurer or underwriter from its business name, unless the word agency is also included as part of the name; and

(2) Provide, in a timely fashion, each title insurer with which it places business any information the title insurer requests in order to comply with reporting requirements of the director.

4. A title agency or title agent licensed in this state prior to the effective date of this chapter shall have ninety days after the effective date of this chapter to comply with the requirements of this section.

5. If the title agency or title agent delegates the title search to a third party, such as an abstract company, the agency or agent must first obtain proof that the third party is operating in compliance with rules and regulations established by the director and the third party shall provide the agency or agent and the insurer with access to and the right to copy all accounts and records maintained by the third party with respect to business placed with the title insurer. Proof from the third party may consist of a signed statement indicating compliance, and shall be effective for a three-year period. Each violation of this subsection is a class C violation as that term is defined in section 381.045.

381.118. 1. Each title agent licensed to sell title insurance in this state, unless exempt pursuant to subsection 8 of this section, shall successfully complete courses of study as required by this section. Any person licensed to act as a title agent shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of eight hours of instruction. The initial such two-year period shall begin January first of the year next following the effective date of this chapter.

2. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

(1) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;

(2) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized agents' association or insurance trade association. A local agents' group may also be approved if the instructor receives no compensation for services;

(3) Courses approved for continuing legal education credit by the Missouri Bar.

3. A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

4. Excess classroom hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program or seminar was held.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

(1) Serious physical injury or illness;

(2) Active duty in the armed services for an extended period of time;

(3) Residence outside the United States; or

(4) Licensee is at least seventy years of age and is currently licensed as a title agent.

6. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person. A filing fee shall be paid by the person furnishing the report as determined by the director to be necessary to cover the administrative cost related to the handling of such certification reports, subject to the limitations imposed in subsection 9 of this section.

7. The provisions of this section shall not apply to those natural persons holding or applying for a license to act as a title agent in Missouri who reside in a state that has enacted and implemented a mandatory continuing education law or regulation pertaining to the title agents. However, those natural persons holding or applying for a Missouri agent license who reside in states which have no mandatory continuing education law or regulations shall be subject to all the provisions of this section to the same extent as resident Missouri title agents.

8. Rules necessary to implement and administer this section shall be promulgated by the director of the department of insurance, including, but not limited to, rules regarding the following:

(1) The insurance advisory board established by section 375.019, RSMo, shall be utilized by the director to assist the director in determining acceptable content of courses, programs and seminars to include classroom equivalency;

(2) Every applicant seeking approval by the director of a continuing education course pursuant to this section shall pay to the director a filing fee of fifty dollars per course, except that such total fee shall not exceed two hundred fifty dollars per year for any single applicant. Fees shall be waived for local agents' groups if the instructor receives no compensation for services. Such fee shall accompany any application form

required by the director. Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval;

(3) The director has the authority to determine the amount of the filing fee to be paid by title agents at the time of license renewal, which shall be set at an amount to produce revenue which shall not substantially exceed the cost of administering this section, but in no event shall such fee exceed ten dollars per biennial report filed.

9. All funds received pursuant to the provisions of this section shall be transmitted by the director of the department of insurance to the department of revenue for deposit in the state treasury to the credit of the department of insurance dedicated fund. All expenditures necessitated by this section shall be paid from funds appropriated from the department of insurance dedicated fund by the legislature.

10. When a title agent pays his or her biennial renewal fee, such agent shall also furnish the written certification and filing fee required by this section.

11. 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.

[381.121. 1. The deposit required by section 381.051 and the capital, surplus and unearned premium reserve of domestic title insurers shall be held in either cash or investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus for reserve deposit.

2. A domestic title insurer may invest in title plants. For purposes of determining the financial condition of such title insurer, title plants will be treated as an asset valued at actual cost to the title insurer, not to exceed fifty percent of the surplus as to policyholders as shown on the most recent annual statement of the title insurer.

3. Any investment of a domestic title insurer acquired before September 28, 1987, and which under such sections, would be considered ineligible as an investment on that date, shall be disposed of within five years of September 28, 1987. The director, upon application and proof that forced sale of any such investment would be contrary to the best interests of the title insurer or its policyholders, may extend the period for disposal of the investment for a reasonable time.]

381.122. The director may during normal business hours examine, audit and inspect any and all books and records maintained by a title agency pursuant to this chapter.

381.125. 1. Whenever the business to be written constitutes affiliated business, prior to commencing the transaction, the title agency or title agent shall ensure that its customer has been provided with disclosure of the existence of the affiliated business arrangement and a written estimate of the charge or range of charges generally made for the title services provided by the title agency or agent.

2. The director may establish rules for use by all title agencies in the recording and reporting of the agency's owners and of the agency's ownership interests in other persons or businesses and of material transactions between the parties.

3. The director may require each title agency to file on forms prescribed by the director reports setting forth the names and addresses of those persons, if any, that have a financial interest in the agency and who the agency knows or has reason to believe are producers of title insurance business or associates of producers.

4. Nothing in this chapter shall be construed as prohibiting affiliated business arrangements in the provision of title insurance business so long as:

(1) The title agency, title agent or party making a referral constituting affiliated business, at or prior to the time of the referral,

discloses the arrangement and, in connection with the referral, provides the person being referred with a written estimate of the charge or range of charges likely to be assessed and otherwise complies with the disclosure obligations of this section;

(2) The person being referred is not required to use a specified title insurance agency, agent or insurer; and

(3) The only thing of value that is received by the title agency, title agent or party making the referral, other than payments otherwise permitted, is a return on an ownership interest. For purposes of this subsection, the terms "required use" and "return on an ownership interest" shall have the meaning accorded to them under the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. Section 2607, as amended and Regulation X, 24 C.F.R. Section 3500, et seq.

5. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

[381.131. Any person who shall be appointed or who shall act as title insurance agent or agency for any title insurance company within this state, or who shall, as title insurance agent or agency, solicit applications, deliver policies and collect premiums thereon, or who shall receive or collect moneys from any source or on any account whatsoever, as agent or agency, for a title insurance company doing business in this state, shall be held responsible in a trust or fiduciary capacity to the company for any money so collected or received by him for such company.]

[381.141. 1. No title insurer or title agent or agency shall:

(1) Pay, directly or indirectly, to the insured or to any other person any commission, any part of its premiums, fees, or other charges; or any other consideration as inducement or compensation for the referral of title business or for performance of any escrow or other service by the title agent or agency; or

(2) Issue any title insurance policy or perform any service in connection with any transaction in which it has paid or intends to pay any commission, rebate or inducement which it knows to be in violation of this section.

2. Nothing in this section shall be construed as prohibiting reasonable payments, other than for the referral of title insurance business, for services actually rendered to either a title insurer or a title agent or agency in connection with title insurance business.

3. Nothing in sections 381.011 to 381.241 shall prohibit any producer or any associate of a producer from referring title business to any title insurer or title insurance agent or agency of his, her or its choice, and if such producer or associate producer has any financial, franchise, or ownership interest in the title insurer, the title insurance agent or agency, from receiving income or profits produced or realized from such financial, franchise or ownership interest so long as the purchaser is made aware in writing of the relationship between the producer or associate producer and the title agent or agency.]

[381.151. Nothing in sections 381.011 to 381.241 shall be construed as prohibiting the division of premiums and charges between or among a title insurer and its title agent or agency, two or more title insurers, one or more title insurers and one or more title agents or agencies or two or more title agents or agencies, provided such division of premiums and charges does not constitute:

(1) An unlawful rebate or inducement under the provisions of sections 381.011 to 381.241; or

(2) Payment of a forwarding fee or

finder's fee.]

[381.161. 1. No producer or other person, except the person paying the premium for the title insurance, shall require, directly or indirectly, or through any trustee, director, officer, agent, employee, or affiliate, as a condition, agreement, or understanding to selling or furnishing any other person any loan, or extension thereof, credit, sale, property, contract, lease or service, that such other person shall place, any contract of title insurance of any kind through any particular title agent, agency, or title insurer. No title agent, agency, or title insurer shall knowingly participate in any such prohibited plan or transaction. No person shall fix a price charged for such thing or service, or discount from or rebate upon price, on the condition, agreement, or understanding that any title insurance is to be obtained through a particular agent, agency, or title insurer.

2. Any person who violates the provisions of this section, or any title insurer, title agent, or agency who accepts an order for title insurance knowing that it is in violation of the provision of this section shall, in addition to any other action which may be taken by the director, be subject to a fine in an amount equal to five times the premium for the title insurance.]

[381.171. 1. Premiums shall not be inadequate, excessive or unfairly discriminatory.

2. Premiums are excessive if, in the aggregate, they are likely to produce a long run profit that is unreasonably high in relation to the riskiness of the business or if expenses are unreasonably high in relation to the services rendered.

3. Premiums are inadequate if they are clearly insufficient, together with investment income attributable to them, to sustain projected losses and expenses or if continued use of such premiums will have the effect of substantially lessening competition or the effect of tending to create a monopoly.

4. Premiums are unfairly discriminatory if the premium charged for a policy of any particular face amount of liability is higher than the premium for an indentical policy within the same classification where such policy has a like face amount or a higher face amount of liability. Premiums within each premium classification may, in the discretion of the title insurer, to a reasonable degree be less than the expenses incurred and the risks assumed in the case of policies of lower face amount of liability and the excess may be charged against policies of higher face amount of liability without rendering the premiums unfairly discriminatory.

5. Premiums may be grouped by classifications into the various types of title policies and endorsements offered. The classifications may be further divided to produce premiums for individual risks or services within a classification. Those classifications or further divisions may be established based upon any one or more of the following:

(1) The size of a transaction and its effect upon the continuing solvency of the title insurer using the rate in question if a loss should occur;

(2) Expense elements, including management time that would ordinarily be expended in a typical transaction of a particular size;

(3) The geographic location of a transaction, including variation in risk and expense elements attributable thereto;

(4) The individual experience of the insurer and title insurance agent or agency using the rate in question; and

(5) Any other reasonable considerations which may include but not

be limited to builder/developer quantity discounts and multiple policy discounts on an individual parcel of property. Those classifications or further divisions thereof shall apply to all risks and services in the business of title insurance under the same or under substantially the same circumstances or conditions.

6. In making or reviewing premiums due consideration shall be given to past and prospective loss experience, to exposure to loss, to underwriting practice and judgment, to past and prospective expenses including amounts paid to or retained by title agents or agencies, to a reasonable margin for profit and contingencies taking into account the need for a reasonable return on capital committed to the enterprise, and to all other relevant factors both within and outside of this state.

7. The director may promulgate rules or regulations setting forth guidelines for the evaluation of premiums. Such regulations may include consideration of:

(1) Cost of underwriting risks assumed by the insurer;

(2) Amounts paid to or retained by title agents;

(3) Operating expenses of the insurer other than underwriting and claims expense;

(4) Payment of claims and claim related expenses;

(5) Investment income;

(6) Reasonable profit;

(7) Premium taxes; and

(8) Any other factors the director deems relevant.]

[381.181. 1. Every title insurer shall file with the director its premium schedules it proposes to use in any county of this state. Every filing shall set forth its effective date, which shall not be earlier than the thirtieth day following its receipt by the director, and shall indicate the character and extent of the coverages and services contemplated. Filings that the director has not disapproved within thirty days of filing shall be deemed effective.

2. No title insurer or title agent or agency may use or collect any premium after September 28, 1987, except in accordance with the premium schedules filed with the director as required by subsections 1 and 2 of this section. The director may provide by regulation for interim use of premium schedules in effect prior to September 28, 1987.

3. Every title insurer shall establish basic classifications of coverages to be used as the basis for determining premiums.]

[381.191. In order to further uniform administration of rate regulatory laws, the director and every title insurer, title agent, or agency in the state may exchange information and experience data with insurance supervisory officials of this and other states and rating organizations in other states and may consult with them with respect to such information and data.]

[381.201. 1. No title insurer, title agent, or agency shall use any premium in the business of title insurance prior to its effective date nor prior to the filing with respect to such premium having been publicly displayed and made readily available to the public for a period of not less than thirty days in each office of the title insurer, title agent, or agency in the county to which such rates apply, and no premium increase shall apply to title policies which have been contracted for prior to such effective date.

2. Premium charges in excess of those set forth in a premium filing which has become effective may be made when such filing includes a statement that such premiums may be made in the event

unusual insurance risks are assumed or unusual services performed in the transaction of the business of title insurance, provided that such premiums are reasonably commensurate with the risks assumed for the costs of the services performed.

3. Copies of the schedules of premiums which are required to be filed with the director under the provisions of sections 381.011 to 381.241, showing their effective date or dates, shall be kept at all times available to the public and prominently displayed in a public place in each office of a title insurer, title agent, or agency in the county to which such rates apply while such rates are effective.]

[381.211. Every title insurer shall file with the director copies of the following forms it proposes to use in this state, including:

(1) Title insurance polices;

(2) Standard form endorsements; and

(3) Preliminary reports, commitments, binders, or any other reports issued prior to the issuance of a title insurance policy.]

[381.221. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall be one hundred percent of the amounts paid by or on behalf of the insured as "premiums" within the definition of that term contained in sections 381.011 to 381.241.]

[381.231. In addition to any other powers granted under sections 381.011 to 381.241, the director may adopt rules or regulations to protect the interests of the public including, but not limited to, regulations governing sales practices, escrow, collection, settlement, closing procedures, policy coverage standards, rebates and inducements, controlled business, the approval of agency contracts, unfair trade practices and fraud, statistical plans for data collection, consumer education, any other consumer matters, the business of title insurance, or any regulations otherwise implementing or interpreting the provisions of sections 381.011 to 381.241. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[381.241. 1. The director of insurance or his duly authorized representative may at any time and from time to time, inspect and examine the records, books and accounts of any title insurer, and may require such periodic and special reports from any title insurer, as may be reasonably necessary to enable the director to satisfy himself that such title insurer is complying with the requirements of sections 381.011 to 381.241. No person shall be authorized to inspect and examine the records, books and accounts of any title insurer unless such person has five years experience in the title insurance business. It shall be the duty of the director at least once every four years to make or cause to be made an examination of every title insurer. The reasonable expense of any examination shall be paid by the title insurer.

2. The purpose of such examination is to enable the director to ascertain whether there is compliance with the provisions of sections 381.011 to 381.241. If as a result of such examination the director has reason to believe that any rate, rating plan or rating system made or used by an insurer does not meet the standards and provisions of sections 381.011 to 381.241, applicable to it, the director may hold a public hearing. Within a reasonable period of time, which shall be not less than ten days before the date of such hearing, he

shall mail written notice specifying the matters to be considered at such hearing to every person, insurer or organization believed by him not to be in compliance with the provisions of sections 381.011 to 381.241.

3. If the director, after such hearing, for good cause finds that such rate, rating plan or rating system does not meet the provisions of sections 381.011 to 381.241, he shall issue an order specifying in what respects any such rate, rating plan or rating system fails to meet such provisions, and stating when, within a reasonable period of time, the further use of such rate, rating plan or rating system by the title insurer which is the subject of the examination shall be prohibited. A copy of such order shall be sent to such title insurer.]

381.410. As used in sections 381.410 and 381.412, the following terms mean:

(1) "Cashier's check", a check, however labeled, drawn on the financial institution, which is signed only by an officer or employee of such institution, is a direct obligation of such institution, and is provided to a customer of such institution or acquired from such institution for remittance purposes;

(2) "Certified funds", U.S. currency, funds conveyed by a cashier's check, certified check, teller's check, as defined in Federal Reserve Regulations CC, or wire transfers, including written advice from a financial institution that collected funds have been credited to the settlement agent's account;

(3) "Director", the director of the department of insurance, unless the settlement agent's primary regulator is another division in the department of economic development. When the settlement agent is regulated by such division, that division shall have jurisdiction over sections 381.410 and 381.412;

(4) "Financial institution":

(a) A person or entity doing business [under] **pursuant to** the laws of this state or the United States relating to banks, trust companies, savings and loan associations[,] **or** credit unions[, commercial and consumer finance companies, industrial loan companies, insurance companies, small business investment corporations licensed pursuant to the Small Business Investment Act of 1958 (15 U.S.C. Section 661, et seq.), as amended, or real estate investment trusts as defined in 26 U.S.C. Section 856, as amended, or institutions constituting the Farm Credit System pursuant to the Farm Credit Act of 1971 (12 U.S.C. Section 2000, et seq.), as amended, or any person which services loans secured by liens or mortgages on real property, which person may or may not maintain a servicing portfolio for such loans]; or

(b) The following persons or entities if their principal place of business is in Missouri or [a state which is contiguous to] **outside** Missouri**, but within the St. Louis or Kansas City standard metropolitan statistical area**:

a. A mortgage loan company which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States Veterans Administration, or the Government National Mortgage Association, or the United States Department of Housing and Urban Development, or a successor of any of the foregoing agencies or entities, as an approved seller or servicer; [or

b. A person or entity acting as a mortgage loan company pursuant to court order;]

(5) "Settlement agent", a person, corporation, partnership, or other business organization which accepts funds and documents as fiduciary for the buyer, seller or lender for the purposes of closing a sale of an interest in real estate located within the state of Missouri, and is not a financial institution, or a member in good standing of the Missouri Bar [Association], or a person licensed under chapter 339, RSMo.

381.412. 1. A settlement agent who accepts funds of more than ten thousand dollars[, but less than two million dollars,] for closing a sale of an interest in real estate shall require a buyer, seller or lender who is not a financial institution to convey

such funds to the settlement agent as certified funds. [The settlement agent shall record all security instruments for such real estate closing within three business days of such closing after receipt of such certified funds.] A check:

(1) Drawn on an escrow account of a licensed real estate broker, as regulated and described in section 339.105, RSMo;

(2) Drawn on an escrow account of a title insurer or title insurance agency licensed to do business in Missouri;

(3) Drawn on an agency of the United States of America, the state of Missouri or any county or municipality of the state of Missouri; or

(4) Drawn on an account by a financial institution;

shall be exempt from the provisions of this section.

2. No title insurer, title insurance agency or title insurance agent, as defined in section [381.031] **381.009**, shall make any payment, disbursement or withdrawal in excess of ten thousand dollars from an escrow account which it maintains as a depository of funds received from the public for the settlement of real estate transactions unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees:

(1) At least ten days prior to such payment, disbursement or withdrawal;

(2) Which consisted of certified funds; or

(3) Consisted of a check made exempt from this section by the provisions of subsection 1 of this section.

3. If the director finds that a settlement agent, title insurer, title insurance agency or title insurance agent has violated any provisions of this section, the director may assess a fine of not more than two thousand dollars for each violation, plus the costs of the investigation. Each separate transaction where certified funds are required shall constitute a separate violation. In determining a fine, the director shall consider the extent to which the violation was a knowing and willful violation, the corrective action taken by the settlement agent to ensure that the violation will not be repeated, and the record of the settlement agent in complying with the provisions of this section.

Section E. The provisions of section D of this act shall become effective January 1, 2001."; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 161, Section 178.870, Line 18, 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 ten 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 said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 64, Section 71.285, Line 12 of said page, by inserting after all of said line the following:

"71.794. A special business district may be established, enlarged or decreased in area as provided herein in the following manner:

(1) Upon petition by one or more owners of real property on which is paid the ad valorem real property taxes within the proposed district, the governing body of the city may adopt a resolution

of intention to establish, enlarge or decrease in area a special business district. The resolution shall contain the following information:

(a) Description of the boundaries of the proposed area;

(b) The time and place of a hearing to be held by the governing body considering establishment of the district;

(c) The proposed uses to which the additional revenue shall be put and the initial tax rate to be levied.

(2) Whenever a hearing is held as provided hereunder, the governing body of the city shall publish notice of the hearing on two separate occasions in at least one newspaper of general circulation not more than fifteen days nor less than ten days before the hearing; and shall mail a notice by [registered or certified] United States mail [with a return receipt attached] of the hearing to all owners of record of real property and licensed businesses located in the proposed district; and shall hear all protests and receive evidence for or against the proposed action; rule upon all protests which determination shall be final; and continue the hearing from time to time.

(3) If the governing body decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after the decision. Notice shall be given in at least one newspaper of general circulation at least ten days prior to the time of said hearing showing the boundary amendments.

(4) If the governing body following the hearing decides to establish the proposed district, it shall adopt an ordinance to that effect. The ordinance shall contain the following:

(a) The number, date and time of the resolution of intention pursuant to which it was adopted;

(b) The time and place the hearing was held concerning the formation of the area;

(c) The description of the boundaries of the district;

(d) A statement that the property in the area established by the ordinance shall be subject to the provisions of additional tax as provided herein;

(e) The initial rate of levy to be imposed upon the property lying within the boundaries of the district;

(f) A statement that a special business district has been established;

(g) The uses to which the additional revenue shall be put;

(h) In any city with a population of less than three hundred fifty thousand, the creation of an advisory board or commission and enumeration of its duties and responsibilities;

(i) In any city with a population of three hundred fifty thousand or more, provisions for a board of commissioners to administer the special business district, which board shall consist of seven members who shall be appointed by the mayor with the advice and consent of the governing body of the city. Five members shall be owners of real property within the district or their representatives and two members shall be renters of real property within the district or their representatives. The terms of the members shall be structured so that not more than two members' terms shall expire in any one year. Subject to the foregoing, the governing body of the city shall provide in such ordinance for the method of appointment, the qualifications, and terms of the members."; and

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

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 45, Section 67.493, Line 1, by inserting after said line the following:

"67.547. 1. In addition to the tax authorized by section 67.505, any county may, by a majority vote of its governing body, impose an additional county sales tax on all sales which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales tax 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 such tax.

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 of ..... (insert rate) percent?

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 as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to impose the sales tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. 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 any 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.

4. 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.

5. In any first class county having a charter form of government and having a population of nine hundred thousand or more, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-eighths of the proceeds of the tax shall be distributed to the county and the remaining five-eighths shall be distributed to the cities, towns and villages and the unincorporated area of the county on the ratio that the population of each bears to the total population of the county. The population of each city, town or village and the unincorporated area of the county and the total population of the county shall be determined on the basis of the most recent federal decennial census.

6. In any first class county having a charter form of government and having a population of nine hundred thousand or more, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

7. 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.

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 principle 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 said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 151, Section 301.025, Lines 20 to 21 of said page, by deleting the phrase "**as evidenced by paid tax receipts**"; and

Further amend said bill, Page 151, Section 301.025, Lines 32 to 34, by deleting all of said lines and inserting in lieu thereof the following: "accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the"; and

Further amend said bill, Page 151, Section 301.025, Line 36, by inserting after the word "due" the phrase "**; except that, 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 such personal property taxes"; and

Further amend said bill, Page 152, Section 301.025, Line 15 of said page, by inserting after the word "paid." the following:

"**If the applicant was a resident of another county of this state in the applicable preceding years, he or she shall submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax year.**"; and

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

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 154, Section 301.025, Line 17, by inserting at the end of said line the following:

"**Residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**".

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 95, Section 141.220, Lines 34 to 35 of said page, by deleting all of said lines and inserting after all of said lines the following:

"(1) "Appraiser" shall mean an [independent] appraiser **licensed or certified pursuant to chapter 339, RSMo, who is** not an employee of the collector or collection authority;"; and

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

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 161, Section E, Line 18, by inserting after all of said line the following:

"**Section 1. 1. In any city not within a county, any land reutilization authority of such city, or any successor agency to such authority, may issue bonds, notes or other obligations not to exceed ten million dollars to fund the demolition or renovation, pursuant to this section, of any residential property under the control of such authority. For purposes of this section, the term "residential property" means any property with four or fewer dwelling units. Bonds authorized by this section shall be issued upon the adoption of an ordinance or order by the city for the purposes described in this section.**

2. Any property demolished wholly or in part via funds from bonds issued pursuant to this section may be used for any lawful purpose. Demolition funds from bonds issued pursuant to this section may, in addition to actual real property demolition and land leveling and clearance costs, include funds for the environmental remediation of, or for the repair of water, sewer, gas, telephone or electric utility access, as well as road access, to such property.

3. Any property renovated wholly or in part via funds from bonds issued pursuant to this section shall be renovated solely for sale to individuals with incomes at or below three hundred percent of the poverty level for use as a primary residence by the owner in at least one of the dwelling units. The price of the renovated housing sale shall not exceed the costs incurred for the renovation, and the buyer of any such property may use any available financing mechanism to make the purchase, including any state or federal assistance program. The governing body of the city may authorize the distribution of any portion of the funds from the bonds issued pursuant to this section to any or all of the nonprofit housing corporations located in such city, and in any percentage it sees fit to distribute to each such corporation, for the purpose of renovating any residential property under the control of the land reutilization authority, provided that the renovation and

subsequent sale of such property complies with this section.

4. 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.

5. Such bonds or notes shall bear interest at a rate set by the governing body of any city not within a county which is establishing the programs 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.

6. 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.

7. Bonds or notes issued by 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 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 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 properties funded by such bonds 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 governing body of a city not within a county may provide in their resolutions authorizing the issuance of such bonds.

8. Any city not within a county shall use all funds received from the issuance of such bonds to fund the programs authorized pursuant to this section."; and

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

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 18, Section 67.410, Line 22 of said page, by inserting after all of said line the following:

"**6. All fees collected pursuant to this section by a city not within a county shall be used for the repair and demolition of residential property owned by such city. For purposes of this section, the phrase "residential property" means a dwelling which houses four or less families.**"; and

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

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 44, Section 67.493, Line 8, by inserting after all of 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, **or the governing body of any city located within a county which has enacted a county-wide sales tax for law enforcement** 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 **or city** which are subject to taxation [under] **pursuant to** the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county **or city**. 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] **pursuant to** the provisions of this section shall be effective unless the governing body of the county **or city** submits to the voters of the county **or city**, at a county**, city** or state general, primary or special election, a proposal to authorize the governing body of the county **or city** 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 **..... (insert** county **or city)** of ..... (county's **or city's** name) impose a **..... (insert** countywide **or citywide)** sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the **..... (insert** county **or city)**?

[ ] Yes [ ] No

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

(2) If the proposal submitted involves authorization to enter into agreements to form a regional jail district and obligates the county **or city** to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the **..... (insert** county **or city)** of ..... (county's **or city's** name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the **..... (insert** county **or city)** to impose a **..... (insert** countywide **or citywide)** 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 **or city** shall have no power to impose the sales tax herein authorized unless and until the governing body of the county **or city** shall again have submitted another proposal to authorize the governing body of the county **or city** 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 **or city** from the tax authorized [under] **pursuant to** 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 **or city** for so long as the tax shall remain in effect.

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 **or city**. 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 **or city** funds.

5. All sales taxes collected by the director of revenue [under] **pursuant to** 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] **pursuant to** 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. All sales taxes collected by the director of revenue pursuant to this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Law Enforcement Sales Tax Trust Fund". The moneys in the city public safety 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 fund and from which city the amounts were collected, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the city public safety sales tax trust fund shall be by appropriation by the governing body of each such city. 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.] **7.** The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust [fund] **funds created in this section** and credited to any county **or city** for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties **or cities**. If any county **or city** abolishes the tax, the county **or city** 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 **appropriate county or city** 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 city**, the director of revenue shall remit the balance in the account to the county **or city** and close the account of that county **or city**. The director of revenue shall notify each county **or city** of each instance of any amount refunded or any check redeemed from receipts due the county **or city**.

[7.] **8.** Except as modified in this section, all

provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed [under] **pursuant to** this section."; and

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

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Bill No. 894, Page 161, Line 18, by adding at the end of said line the following:

"Notwithstanding any provision of law to the contrary, no county clerk or collector shall be provided additional compensation for the collection of taxes or payments in lieu of taxes for tax increment financing funds for municipalities."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 139, Section 260.210, Line 37, by inserting after all of said line the following:

"**263.232. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, any state department, any state agency, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate by methods approved by the state department of agriculture cut-leaved teasel (Dipsacus laciniatus), common teasel (Dipsacus fullonum) and kudzu vine (Pueraria lobata) which are hereby designated as noxious and dangerous weeds to agriculture.**"; and

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

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 119, Section 144.761, Line 31, by inserting immediately after said line the following:

"**144.815. 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 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, purchases of bullion and investment coins. For purposes of this section the following terms shall mean:**

(1) "Bullion", gold, silver, platinum or palladium in a bulk state, where its value depends on its content rather than its form, with a purity of not less than nine hundred parts per one thousand; and

(2) "Investment coins", numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium or metals with a fair market value greater than the face value of the coins."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 139, Section 260.210, Line 37, by adding an additional section thereto, as follows:

"**All corrective action plans approved by the department pursuant to chapter 260.350 through 260.430 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.".

HOUSE AMENDMENT NO.18

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 73, Section 135.481, Line 17 of said page, by inserting after said line the following:

"**Section 1. Notwithstanding any provision of law to the contrary, in any dispute regarding the liability of a taxpayer for collection and remittance or payment of income, franchise, sales or use tax due on a particular type of transaction, the director of revenue shall consider whether tax has been previously collected and remitted or paid on such type of transaction by other taxpayers within the same or similar type of business or profession in this state and shall consider such information when determining the amount of tax due from the taxpayer. If the director of revenue or the administrative hearing commission determines tax has not been previously collected and remitted or paid by other taxpayers within the same or similar type of business or profession on the transaction in question, the director or the administrative hearing commission may abate previous taxes, interest and penalty related to such transaction and the taxpayer shall be liable to collect and remit or pay taxes in a prospective manner, beginning from the date of the final determination of same by the director of revenue.**"; and

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

HOUSE AMENDMENT NO. 19

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 73, Section 135.481, Line 17, by inserting after all of said line the following:

"135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects [involving eligible residences] **in areas described in subdivision (6) of section 135.478** and eight million dollars for projects [involving qualifying residences] **in areas described in subdivision (10) of section 135.478**. The maximum tax credit for a project consisting of multiple- unit qualifying residences in a distressed community shall not exceed three million dollars.

2. 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 department 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 with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, RSMo, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, RSMo, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

"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 and subdivision 4 of subsection 2 of section 32.115** 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.; and

Further amend said bill, Page 18, Section 135.516, Line 19, 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 161, Section E, by inserting the following after all of said line:

"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, 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. [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. 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.

Section F. Sections 135.403 and 620.1039 will become effective on January 1, 2001."; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SB 902**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SS No. 3** for **SJR 35**, 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 adopt **SS** for **HS** for **HCS** for **HB 1797**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 922**, as amended: Senators Scott, Johnson, Goode, Klarich and Yeckel.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 902**, as amended: Senators Mathewson, DePasco, Stoll, Rohrbach and Ehlmann.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended: Senators Goode, Schneider, Mathewson, Ehlmann and Flotron.

Senator Jacob assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Stoll, on behalf of the conference committee appointed to act with a like committee from the House on **SJR 50**, with **HA 2**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE JOINT RESOLUTION NO. 50

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Joint Resolution No. 50, with House Amendment No. 2; 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 Amendment No.2 to Senate Joint Resolution No. 50; and

2. That Senate Joint Resolution No. 50 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Stephen Stoll	/s/ May Scheve
/s/ Ken Jacob	/s/ Jim Foley
/s/ Walt Mueller	/s/ James P. O'Toole
/s/ Joe Maxwell	/s/ C. Surface
/s/ Roseann Bentley	/s/ John E. Griesheimer

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

YEAS—Senators

Bentley	Bland	Carter	Childers
DePasco	Flotron	Graves	House
Howard	Jacob	Johnson	Kinder
Klarich	Maxwell	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Caskey	Goode	Kenney	Schneider—4

Absent—Senators

Clay	Ehlmann	Mathewson—3

Absent with leave—Senators—None

On motion of Senator Stoll, **SJR 50** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Caskey Schneider Singleton—3

Absent—Senator Clay—1

Absent with leave—Senators—None

The President declared the bill passed.

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.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SS** for **HS** for **HCS** for **HB 1797**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 896**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 896

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 896, with House Amendments Nos. 1, 2, 3, 4, 5 and 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10, 11 and 12; 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 Substitute for House Committee Substitute for Senate Bill No. 896, as amended;

2. That the Senate recede from its position on Senate Bill No. 896;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 896 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ John E. Scott	/s/ Christopher A. Liese
/s/ Danny Staples	/s/ Brian May
/s/ William Clay	/s/ Blaine Luetkemeyer
/s/ Bill Kenney	/s/ Ed Hartzler
/s/ David J. Klarich	/s/ Jim Kreider 142

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

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Clay Ehlmann Scott—3

Absent with leave—Senators—None

On motion of Senator Klarich, **CCS** for **HS** for **HCS** for **SB 896**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 896

An Act to repeal sections 140.160, 143.331, 351.055, 351.300, 351.355, 351.690, 359.091, 359.481, 361.230, 361.250, 361.390, 361.440,

361.470, 361.520, 361.540, 361.600, 362.025, 362.035, 362.042, 362.060, 362.115, 362.116, 362.172, 362.235, 362.325, 362.440, 362.450, 362.700, 362.710, 362.730, 362.740, 362.750, 369.219, 375.017, 375.126, 376.350, 379.105, 408.052, 408.234, 525.080, 525.230, 525.233, 525.240 and 525.250, RSMo 1994, and sections 140.110, 148.064, 301.600, 306.400, 306.410, 306.420, 347.137, 347.141, 351.025, 351.245, 351.482, 354.065, 359.451, 362.105, 362.119, 362.170, 362.245, 362.464, 362.600, 362.680, 365.020, 375.022, 400.3-312 and 443.415, RSMo Supp. 1999, and section 136.055 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19 of the first regular session of the ninetieth general assembly and section 136.055 as enacted by house committee substitute for house bill no. 459 of the first regular session of the eighty-ninth general assembly, relating to business organizations, and to enact in lieu thereof seventy-nine new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

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

YEAS—Senators

Bentley	Carter	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Schneider—1

Absent—Senators

Bland	Clay	Mueller—3

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Schneider	Singleton—2

Absent—Senators

Clay	Mueller—2

Absent with leave—Senators—None

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

Senator Klarich 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 Maxwell moved that the Senate refuse to adopt the conference committee report on **HS** for **HCS** for **SB 856**, as amended, and request the House grant the Senate further conference thereon, which motion prevailed.

Senator Johnson assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 1053**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1053

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Bill No. 1053, with House Amendment No. 1, House Amendments Nos. 1 and 2 to Part II, and House Amendment No. 1 to Part III; 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 Substitute for Senate Bill No. 1053, as amended;

2. That the Senate recede from its position on Senate Bill No. 1053;

3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 1053 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Wayne Goode	/s/ Rita D. Days
/s/ William Clay	/s/ Gracia Backer
/s/ Harry Wiggins	/s/ Russell C. Gunn
/s/ Roseann Bentley	/s/ Carson Ross
/s/ Franc Flotron	/s/ Bill Tudor

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

Senator Stoll assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bland	Caskey	Childers	DePasco
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—24

Absent—Senators

Bentley	Carter	Clay	Ehlmann
Flotron	Howard	Jacob	Mathewson
Mueller	Sims—10		

Absent with leave—Senators—None

Senator Goode moved that the conference committee report on **HS** for **SB 1053** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
House	Howard	Johnson	Kenney
Kinder	Maxwell	Quick	Sims
Steelman	Stoll	Wiggins	Yeckel—20

NAYS—Senators

Graves	Klarich	Rohrbach	Russell
Scott	Staples	Westfall—7	

Absent—Senators

Clay	Flotron	Jacob	Mathewson
Mueller	Schneider	Singleton—7	

Absent with leave—Senators—None

On motion of Senator Goode, **CCS** for **HS** for **SB 1053**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1053

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

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

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Ehlmann	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Maxwell	Sims
Steelman	Stoll	Wiggins	Yeckel—20

NAYS—Senators

Flotron	Graves	Rohrbach	Russell
Scott	Staples	Westfall—7	

Absent—Senators

Clay	Jacob	Mathewson	Mueller
Quick	Schneider	Singleton—7	

Absent with leave—Senators—None

The President declared the bill passed.

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

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

Senator 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 House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, and requests the Senate to recede from its position, or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SB 902**, as amended: Representatives: Treadway, O'Toole, Foley, Dolan and Boatright.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SS No. 3** for **SJR 35**, as amended: Representatives: Graham 24, Backer, Monaco, Naeger and Summers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HS** for **HCS** for **HB 1797**, as amended: Representatives: Gratz, Kreider, Graham 24, Nordwald and Tudor.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended, and grant the House 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 **SS** for **SCS** for **HS** for **HCS** for **HBs 1566** and **1810**, as amended: Senators Scott, Goode, Quick, Klarich and Singleton.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HCS** for **HB 1797**, as amended: Senators Goode, Quick, Howard, Flotron and Westfall.

RESOLUTIONS

Senator House offered Senate Resolution No. 1828, regarding the 1999-2000 Fort Zumwalt South Concert, Men's, and Women's Choirs and the Chorale, which was adopted.

Senator House offered Senate Resolution No. 1829, regarding the 1999-2000 Fort Zumwalt South High School Symphonic Band and Symphonic Wind Ensemble, which was adopted.

Senator House offered Senate Resolution No. 1830, regarding the 1999-2000 St. Charles West High School Symphonic Band, which was adopted.

Senator House offered Senate Resolution No. 1831, regarding the 1999-2000 Warrenton High School Concert Choir, which was adopted.

Senator House offered Senate Resolution No. 1832, regarding the 1999-2000 Warrenton High School Band, which was adopted.

Senator House offered Senate Resolution No. 1833, regarding the 1999-2000 Troy Buchanan High School Concert Choir, which was adopted.

Senator House offered Senate Resolution No. 1834, regarding the 1999-2000 Francis Howell High School Symphonic Band, which was adopted.

Senator Westfall offered Senate Resolution No. 1835, regarding Thelbert R. Gott, Halfway, which was adopted.

Senator Bentley offered Senate Resolution No. 1836, regarding Nicole Peck, Springfield, which

was adopted.

Senator Jacob offered Senate Resolution No. 1837, regarding Think First Missouri, which was adopted.

Senator Jacob offered Senate Resolution No. 1838, regarding Sean Bozarth, Warrensburg, which was adopted.

Senator Maxwell offered Senate Resolution No. 1839, regarding Cormac Smith, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, the Physician of the Day, Dr. Rob Schaaf, M.D., Gower.

Senator Childers introduced to the Senate, Debbie Harris, Margaret Herd, Eddie Hunsaker and fifteen eighth grade students from Bradleyville School, Bradleyville.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Friday, May 12, 2000.

SENATE CALENDAR

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SEVENTY-THIRD DAY–FRIDAY, MAY 12, 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)
2. HS for HCS for HBs 1172, 1501, 1633, 1440, 1634, 1177 & 1430-Davis (122nd), with SCS (Howard)
3. HS for HCS for HB 1762-Williams (159th), with SCS (Caskey)
4. HCS for HB 1144, with SCS (Johnson)
5. HJR 43-Barry, et al (House)
6. HS for HCS for HB 1481-Smith (Maxwell)
7. HCS for HB 1644, with SCS (Scott)
8. HS for HCS for HBs 1215 & 1240-Smith, with SCS (Caskey)
9. HB 1768-Ward, with SCS (Staples)
10. HB 1326-Mays (50th), with SCAs 1 & 2 (Goode)
11. HS for HB 1728-Backer, with SCS (Flotron) (In Budget Control)

12. HS for HCS for HBs 1489, 1488 & 1650-Kennedy, with SCS (Maxwell) (In Budget Control)
13. HS for HCS for HB 1305-Rizzo, with SCS (DePasco)
14. HS for HCS for HB 1254-Kissell, with SCS (Caskey)
15. HB 1499 & HB 1579-Hoppe, with SCS (Scott)
16. HB 1946-Dougherty (Maxwell)
17. HB 1159-Boucher, with SCS (Maxwell)
18. HS for HB 2011-Overschmidt

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)

HB 1443-Koller, with SCS & SS for SCS (pending) (Johnson)

HS for HB 1603-May (108th), with SCS & SS for SCS (pending) (Jacob)

HS for HB 1615-Hosmer, with SCS, SS#2 for SCS, SA 2 & point of order (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 4/13

HB 1875-Franklin (Wiggins)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 894-Quick, with HS for 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 (Senate adopted CCR and passed bill)

SS for SCS for SB 763-Howard, with HCS, as amended
SB 788-Johnson, with HS for HCS, as amended (Senate adopted CCR and passed CCS)
SS for SB 813-House, with HCS, as amended (Further conference granted)
SB 856-Maxwell, with HS for HCS, as amended (Senate requests further conference)
SB 858-Maxwell, with HS for HCS, as amended
SB 896-Klarich, with HS for HCS, as amended (Senate adopted CCR and passed CCS)
SS for SB 902-Mathewson, with HS for HCS, as amended
SB 922-Scott, with HCS, as amended
SB 1053-Goode, et al, with HS, as amended (Senate adopted CCR and passed CCS)
SS for SS#3 for SJR 35-Goode, with HCS, as amended
SJR 50-Stoll, with HA 2 (Senate adopted CCR and passed bill)
HS for HB 1238-Hoppe, with SCS, as amended (Mathewson)
HB 1292-Auer, with SCS, as amended (Jacob)
HS for HCS for HBs 1566 & 1810-Bray, with SS for SCS, as amended (Scott)
HS for HCS for HB 1797-Gratz, with SS, as amended (Goode)
HCS for HB 1967, with SCA 1, as amended & SA 1 (Scott)

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 (DePasco)

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