Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FOURTH DAY—THURSDAY, MAY 16, 2002

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"We must work the works of him who sent me while it is day; night is coming when no one can work." (John 9:4)

God of Creation, help us this day to do what we usually would put off until tomorrow. Teach us how to make the best use of the time we have left to be instruments of Your wonderful power being obedient to Your prompting and follow Your directing; for surely the night is coming and we will no longer be able to do our work here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press and KOMU-TV 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	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Kenney offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 77

WHEREAS, the general assembly is continually asked to act upon measures dealing with complex and controversial subjects; and

WHEREAS, such measures frequently require lengthy and comprehensive study and evaluation; and

WHEREAS, the committee system of evaluation of proposed legislation has proven its worth time and again to the entire membership of the general assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the standing committees of each house and such other committees of the Senate and House of Representatives as the president pro tem or the speaker shall designate may meet with the approval of the president pro tem or speaker, as the case may be, to

consider bills or to perform any other necessary legislative function during the interim prior to the convening of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the members of each committee incurred while attending meetings of those committees, and the expenses of the research and clerical personnel assigned thereto, be paid from the appropriate House or Senate contingent fund.

Senator Kenney requested unanimous consent of the Senate that the rules be suspended and **SCR 77** be taken up for adoption, which request was granted.

On motion of Senator Kenney, **SCR 77** was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kennedy
Kenney	Kinder	Klindt	Loudon
Quick	Rohrbach	Russell	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Jacob	Klarich
Mathewson	Schneider	Sims—7	

Absent with leave—Senator DePasco—1

RESOLUTIONS

On behalf of Senator DePasco, Senator Kenney offered Senate Resolution No. 1777, regarding Lions Clubs International President J. Frank Moore, III, which was adopted.

Senator Staples offered Senate Resolution No. 1778, regarding the Mineral Area Regional Health Center, Farmington, which was adopted.

Senator Dougherty offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1779

WHEREAS, Marvin Owen Teer, Sr., will commemorate the resplendent occasion of his Ninetieth Birthday with a special celebration on July 19, 2002, at Kappa Alpha Psi Fraternity House; and

WHEREAS, on July 22, 1912, in Meridian, Mississippi, God brought a special gift to William and Minnie Teer with the birth of an adorable infant by the name of Marvin, who would put a twinkle in their eyes and fill their hearts with love and joy; and

WHEREAS, while celebrating his birthday, Marvin Teer will have the opportunity to reminisce about some of the significant events in his life such as attending Lincoln Senior High School in East St. Louis, Illinois; earning a Bachelor's degree in education at Illinois State University in 1936, a Master's degree in education at the University of Illinois in 1938, and a Master's degree in history and administration at Saint Louis University in 1951; marrying Vivian France Jarrett in 1947; and rasing their only child, Marvin O. Teer, Jr., who has distinguished himself as an attorney; and

WHEREAS, Marvin Teer proudly served his country during World War II in the United States Army, from which he was honorably discharged in 1946 at the rank of Staff Sergeant; and

WHEREAS, a life member of Kappa Alpha Psi fraternity initiated at Beta Chapter at the University of Illinois in 1936, Marvin Teer taught history and urban studies at Vashon High School in St. Louis for more than three decades; and

WHEREAS, Marvin Teer has served on numerous boards including the Metropolitan Youth Commission, the St. Louis Area Agency on Aging, the St. Louis Board of Equalization, the St. Louis Board of Building Appeals, and the Available Citywide Transportation Service, of which he is co-founder and coordinator; and

WHEREAS, Marvin Teer, a 3rd Degree member of the Knights of Columbus, had derived a tremendous amount of spiritual fulfillment through his affiliation with the Most Blessed Sacrament Catholic Church prior to its closing:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in extending our most hearty congratulations and special birthday greetings to Marvin Teer at this significant milestone and in wishing him peace and contentment as he continues to enjoy his golden years; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Marvin Owen Teer, Sr., as a measure of our esteem for him.

Senator Klindt offered Senate Resolution No. 1780, regarding Zach Boman, which was adopted.

Senator Klindt offered Senate Resolution No.

1781, regarding Corrections Officer I Thomas D. Bowden, Gower, which was adopted.

Senator Klindt offered Senate Resolution No. 1782, regarding Corrections Officer I Lisa Renee Offield, Cameron, which was adopted.

PRIVILEGED MOTIONS

Senator Yeckel moved that **SS** for **SCS** for **SB 675**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SB 675**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 675

An Act to repeal sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.613, RSMo, relating to elections, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Yeckel moved that **HS** for **HCS** for **SS** for **SCS** for **SB 675** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Cauthorn	Klarich	Schneider—4

Absent with leave—Senator DePasco—1

On motion of Senator Yeckel, **HS** for **HCS** for **SS** for **SCS** for **SB 675**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland	Cauthorn—2		

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland Cauthorn Quick—3

Absent with leave—Senator DePasco—1

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

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

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

Bill ordered enrolled.

Senator Sims moved that the Senate conferees on **HS** for **HCS** for **SS** for **SCS** for **SBs 670** and **684**, as amended, be allowed to exceed the differences, which motion prevailed.

Senator Dougherty, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 810**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 810

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810 with House Amendments Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendments Nos. 1 and 4 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810;

2. That the Senate recede from its position on House Amendments Nos. 2, 3, and 5 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810;

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

4. That House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, with House Amendments Nos. 2, 3, and 5 and Conference Committee Amendment No. 1, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Pat Dougherty	/s/ Lana Ladd Baker
/s/ Stephen Stoll	/s/ Tim Harlan
/s/ Roseann Bentley	/s/ Chuck Graham
/s/ Betty Sims	/s/ Dr. Charles R. Portwood
/s/ Sarah Steelman	/s/ Roy W. Holand

CONFERENCE COMMITTEE
AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, Page 1, Section A, Line 14, by inserting after all of said line the following:

"8.231. 1. For purposes of this section, the following terms shall mean:

(1) "Energy cost savings measure", a training program or facility alteration designed to reduce energy consumption or operating costs, and may include one or more of the following:

(a) Insulation of the building structure or systems within the building;

(b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing reductions in glass area, or other window and door system modifications that reduce energy

consumption;

(c) Automated or computerized energy control system;

(d) Heating, ventilating or air conditioning system modifications or replacements;

(e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made;

(f) Indoor air quality improvements to increase air quality that conforms to the applicable state or local building code requirements;

(g) Energy recovery systems;

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(i) Any life safety measures that provide long-term operating cost reductions and are in compliance with state and local codes; **[**or**]**

(j) Building operation programs that reduce the operating costs; **or**

(k) Any life safety measures related to compliance with the Americans With Disabilities Act, 42 U.S.C. Section 12101, et seq., that provide long-term operating cost reductions and are in compliance with state and local codes;

(2) "Governmental unit", a state government agency, department, institution, college, university, technical school, legislative body or other establishment or official of the executive, judicial or legislative branches of this state authorized by law to enter into contracts, including all local political subdivisions such as counties, municipalities, public school districts or public service or special purpose districts;

(3) "Guaranteed energy cost savings contract", a contract for the implementation of one or more such measures. The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time and the energy cost savings are guaranteed to the extent necessary to make payments for the systems. Guaranteed energy cost savings contracts shall be considered public works contracts to the extent that they provide for capital improvements to existing facilities;

(4) "Operational savings", expenses eliminated and future replacement expenditures avoided as a result of new equipment installed or services performed;

(5) "Qualified provider", a person or business experienced in the design, implementation and installation of energy cost savings measures;

(6) "Request for proposals" or "RFP", a negotiated procurement.

2. No governmental unit shall enter into a guaranteed energy cost savings contract until competitive proposals therefor have been solicited by the means most likely to reach those contractors interested in offering the required services, including but not limited to direct mail solicitation, electronic mail and public announcement on bulletin boards, physical or electronic. The request for proposal shall include the following:

(1) The name and address of the governmental unit;

(2) The name, address, title and phone number of a contact person;

(3) The date, time and place where proposals shall be received;

(4) The evaluation criteria for assessing the proposals; and

(5) Any other stipulations and clarifications the governmental unit may require.

3. The governmental unit shall award a contract to the qualified provider that provides the lowest and best proposal which meets the needs of the unit if it finds that the amount it would spend on the energy cost savings measures recommended in the proposal would not exceed the amount of energy or operational savings, or both, within a ten-year period from the date installation is complete, if the recommendations in the proposal are followed. The governmental unit shall have the right to reject any and all bids.

4. The guaranteed energy cost savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the energy cost savings measures, adjusted for inflation, within ten years. The qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract may provide for payments over a period of time, not to exceed ten years, subject to appropriation of funds therefor.

5. The governmental unit shall include in its annual budget and appropriations measures for each fiscal year any amounts payable under guaranteed energy savings contracts during that fiscal year.

6. A governmental unit may use designated funds for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.

7. Notwithstanding any provision of this section to the contrary, a not-for-profit corporation incorporated pursuant to chapter 355, RSMo, and operating primarily for educational purposes in cooperation with public or private schools shall be exempt from the provisions of this section.”; and

Further amend the title and enacting clause accordingly.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

House	Klarich	Mathewson	Sims—4

Absent with leave—Senator DePasco—1

On motion of Senator Dougherty, **HS** for **HCS** for **SCS** for **SB 810**, as amended by the Conference Committee Report, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Klarich	Mathewson	Sims—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Senator Dougherty requested unanimous consent of the Senate to reconsider, in one vote, the votes by which the titling and perfecting motions, the 3rd reading motion and the motion to adopt the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, carried, which request was granted.

Having voted on the prevailing side, Senator Dougherty moved that the vote to lay on the table the motion to reconsider the vote by which **HS** for **HCS** for **SCS** for **SB 810** passed; the vote by which the title was agreed to; the vote by which the bill was 3rd read and finally passed; and the vote by which the Conference Committee Report was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Quick	Schneider
Sims—5			

Absent with leave—Senator DePasco—1

At the request of Senator Dougherty, the motion to adopt the Conference Committee Report was withdrawn.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1502** and **1821**, with **SCS**, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to credit information used in insurance underwriting.

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

SCS for **HS** for **HCS** for **HBs 1502** and **1821**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1502 and 1821

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to credit information used in insurance underwriting.

Was taken up.

Senator Rohrbach moved that **SCS** for **HS** for **HCS** for **HBs 1502** and **1821** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1502** and **1821**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1502 and 1821

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to credit information used in insurance underwriting.

Senator Rohrbach moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1502** and **1821** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SS** for **SCS** for **HS** for **HCS** for **HBs 1502** and **1821** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Singleton

Staples Steelman Stoll Westfall
Wiggins Yeckel—30

NAYS—Senators—None

Absent—Senators
Bland Quick Sims—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

HS for **HCS** for **HB 1756**, entitled:

An Act to repeal sections 191.656, 191.659, 191.677, and 567.020, RSMo, and to enact in lieu thereof five new sections relating to sexually transmitted diseases, with penalty provisions.

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

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

Senator Klarich offered **SS** for **HS** for **HCS** for **HB 1756**, entitled:

SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1756

An Act to repeal sections 191.656, 191.659, 191.677 and 567.020, RSMo, and to enact in lieu thereof five new sections relating to sexually transmitted diseases, with penalty provisions.

Senator Klarich moved that **SS** for **HS** for **HCS** for **HB 1756** be adopted.

Senator House offered **SS** for **SS** for **HS** for **HCS** for **HB 1756**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1756

An Act to repeal sections 43.540, 191.656, 191.659, 191.677, 217.690, 556.061, 567.020, 589.400, 589.410, 589.417 and 632.483, RSMo, relating to certain sexual and criminal offenses, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions and an emergency clause.

Senator House moved that **SS** for **SS** for **HS** for **HCS** for **HB 1756** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1756, Section 567.020, Page 28, Line 25, by inserting after all of said line the following:

"568.043. 1. A person commits the crime of aggravated sexual abuse of a child in the first degree if the person knowingly engages in sexual conduct, as that term is defined in section 566.010, RSMo, with a child under the age of thirteen years over whom the person serves as reverend, pastor, priest, bishop, clergyman or other religious minister.

2. Religious sexual abuse of a child in the first degree is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole, or release except by act of the governor.

568.044. 1. A person commits the crime of aggravated sexual abuse of a child in the second degree if the person knowingly engages in sexual conduct, as that term is defined in section 566.010, RSMo, with a child under the age of seventeen years over whom the person serves as reverend, pastor, priest, bishop, clergyman or other religious minister.

2. Religious sexual abuse of a child in the second degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than ten years, unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person in which case the authorized term of imprisonment is life imprisonment or a term of years not less than twenty years."; and

Further amend the title and enacting clauses accordingly.

Senator Jacob moved that the above amendment be adopted.

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

SENATE SUBSTITUTE AMENDMENT NO. 1
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1756, Page 24, Section 565.305, Line 29, by inserting the following:

"566.100. 1. A person commits the crime of sexual abuse if he subjects another person to sexual contact by the use of forcible compulsion.

2. Sexual abuse is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age in which case the crime is a class B felony, unless in the course thereof the actor is responsible for, has supervising authority over, or is in a position of trust over a victim that is less than 14 years of age, in which case the crime is a class A felony."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above substitute amendment be adopted.

At the request of Senator Klarich, **HS** for **HCS** for **HB 1756**, with **SS**, **SS** for **SS**, **SA 1** and **SSA 1** for **SA 1** (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 adopted **SS** for **SCS**, as amended, for **HB 1041** and has taken up and passed **SS** for **SCS** for **HB 1041**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **SCS**, as amended, for **HB 1348** and requests the Senate to recede from its position and 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 House has taken up adopted and third read **HCS** for **SCR 41**.

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the State of Missouri is currently facing unique rural and urban primary care workforce issues, including a significant imbalance between the primary care and specialty care workforce in our urban areas and a shortage of traditional primary health care workforce in our state's rural areas; and

WHEREAS, there exists a need for a study on access for Missourians to the health care provider market in the state and the recommendation of specific legislative or enforcement initiatives to insure ample choice for Missouri citizens and to insure affordable health care in the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of

the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Primary Care Workplace Adequacy in Missouri; and

BE IT FURTHER RESOLVED that such Committee shall examine the rural and urban primary care workforce issues facing the State of Missouri, including those involving trauma and critical care services, examine the imbalance between primary care and specialty care in the urban areas and its effect on the cost and access to health care, examine the issue of primary care shortage in the rural areas and its effect on the cost and access to health care in the rural areas, examine current Department of Health and Senior Services programs which support primary care training and make recommendations for its modification and enhancement as needed; and

BE IT FURTHER RESOLVED that said Committee shall be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that Senate Research, the Committee on Legislative Research, and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 49**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 73**.

Also,

May 16, 2002

TO: Terry L. Spieler, Secretary of the Senate

FROM: Ted Wedel, Chief Clerk of the House

DATE: May 16, 2002

RE: HCS SS SCS SB 675

On May 15, 2002, House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, as amended, was Third Read and Passed by the House of Representatives and delivered to the Senate.

Please be informed that House Amendment No. 1 and House Substitute Amendment No. 1 for House Amendment No. 7, both of which were offered by Representative Seigfreid and adopted by the House, were titled incorrectly. House Amendment No. 1 should have been titled as House Substitute Amendment No. 1 for House Amendment No. 7 and House Substitute Amendment No. 1 for House Amendment No. 7 should have been titled as House Amendment No. 1. We will be correcting our House Journal for the Seventy-second Day to reflect this change.

I apologize for any inconvenience this may have caused.

/s/ Ted Wedel

Senator Childers assumed the Chair.

PRIVILEGED MOTIONS

Senator Foster moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HB 1348**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 670 and 684**, as amended: Senators Sims, Singleton, Kinder, Stoll and House.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 680**, as amended: Senators Bland, Dougherty, Steelman, Klindt and Rohrbach.

President Pro Tem Kinder appointed the

following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1962**, as amended: Senators Klarich, Gibbons, Loudon, Caskey and Schneider.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 1717**, with **SCS**, to the Committee on State Budget Control.

RESOLUTIONS

Senator House offered Senate Resolution No. 1783, regarding Roy "Skip" Vandelicht, Fayette, which was adopted.

Senator House offered Senate Resolution No. 1784, regarding the Weldon Springs Citizens Commission, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 1785, regarding the One Hundredth Anniversary of the Louisiana Elks Lodge #791, Louisiana, which was adopted.

Senator Bentley offered Senate Resolution No. 1786, regarding Dr. Robert H. Bradley, Springfield, which was adopted.

Senator Quick offered Senate Resolution No. 1787, regarding Richard L. Coy, Gladstone, which was adopted.

Senator Goode offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1788

WHEREAS, 2002 marks the Fifteenth Anniversary of the founding of The Earth Angels of Guardian Angel Settlement in St. Louis; and

WHEREAS, a group of 150 "at risk" children who work continuously to help the "at risk" earth, The Earth Angels organization admirably demonstrates that children of the least privilege and opportunity in life are one of society's greatest resources; and

WHEREAS, known for recycling and tree planting projects in the St. Louis metropolitan area, Earth Angels have reclaimed and recycled nearly one million aluminum cans, fifty-four thousand pounds of glass, and more than fifteen hundred abandoned tires in their fifteen-year existence; and

WHEREAS, now involved in their tenth planting of the Forest of Life, Earth Angels are adding another group of sixteen trees in memory of children who died by violence in the city of St. Louis last year; and

WHEREAS, Earth Angels have adopted more than fifty acres of rainforest through the Nature Conservancy, purchased seventeen acres of rainforest at the opening of Ecuador's main national wildlife refuge for the Tapir Preservation Fund, removed invasive vines that were killing trees in Ruth Woods Forest and then established a wetland area there, and created seven National Wildlife Federation certified inner-city wildlife habitats; and

WHEREAS, noted for its members' pledge not to use drugs or tobacco, their educational projects, and their receipt of a long list of local and national awards, The Earth Angels organization collected form letters signed by adults to request that California Governor Gray Davis keep his campaign promise to stop the cutting of all old-growth forest, and is doing the same to send to the U.S. Secretary of Agriculture to stop the killing of six million red-winged blackbirds which forage on less than two percent of the sunflower crop raised by farmers for commercial birdseed:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the stellar legacy of good works performed by Earth Angels during the past fifteen years and to convey to the organization's leadership and membership this legislative body's heartiest congratulations and best wishes for continued success for many more years to come; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of The Earth Angels for Fifteen Years of service incorporating youth and the environment.

Senator Sims offered Senate Resolution No. 1789, regarding Sophia Sanchez, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1790, regarding Isaac Wagner-Muns, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1791, regarding Mark Pais, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1792, regarding Peter Durham, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No.

1793, regarding Molly Collins, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1794, regarding Kevin Abrams, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1795, regarding Tripp Nuetzel, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1796, regarding Tyler Freeman, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1797, regarding Natalie Krebs, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1798, regarding Michael Contreras, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1799, regarding William McCormick, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1800, regarding Elizabeth Turner, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1801, regarding Patrick Collins, St. Louis County, which was adopted.

Senator Sims offered Senate Resolution No. 1802, regarding Grace Mandry, St. Louis County, which was adopted.

On motion of Senator Kenney, the Senate recessed until 1:00 p.m.

RECESS

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

Photographers from the Columbia Tribune were given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Dougherty moved that the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, again be taken up for adoption, which motion prevailed.

President Maxwell assumed the Chair.

Senator Dougherty moved that the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, be adopted.

At the request of Senator Dougherty, his motion to adopt the Conference Committee Report was withdrawn.

Senator Mathewson moved that the Senate conferees on **HS** for **HCS** for **SS** for **SB 1248**, as amended, be allowed to exceed the differences between the Houses, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 1150**, **1237** and **1327**, with **SCS**, entitled:

An Act to amend chapter 32, RSMo, by adding thereto three new sections relating to assessment and collection procedures of the department of revenue, with an emergency clause for certain sections.

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

SCS for **HCS** for **HBs 1150**, **1237** and **1327**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1150, 1237 and 1327

An Act to amend chapters 32 and 144, RSMo, by adding thereto ten new sections relating to assessment and collection procedures of the department of revenue, with an emergency clause for a certain section.

Was taken up.

Senator Gibbons moved that **SCS** for **HCS** for

HBs 1150, **1237** and **1327** be adopted.

Senator Gibbons offered **SS** for **SCS** for **HCS** for **HBs 1150**, **1237** and **1327**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1150, 1237 and 1327

An Act to amend chapters 32 and 144, RSMo, by adding thereto ten new sections relating to assessment and collection procedures of the department of revenue, with an emergency clause.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HBs 1150**, **1237** and **1327** be adopted.

Senator Gibbons offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 10, Section 32.381, Line 3 of said page, by inserting after all of said line the following:

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

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books **for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016**, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation **of each subclass of real property, individually, and personal property, in the aggregate**, exclusive of new construction and improvements. All political subdivisions shall immediately revise the **applicable** rates of levy for each purpose **for each subclass of real property, individually, and personal property, in the aggregate,** for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year **for each subclass of real property, individually, and personal property, in the aggregate**, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. **Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year.** As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor shall be limited to the actual assessment growth **[**within**]** **in the aggregate for** the political subdivision, exclusive of new construction and improvements, but not to exceed the consumer price index or five percent, whichever is lower. **Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, as per the relative tax rate reduction of such subclasses of real property, individually, and/or personal property, in the aggregate.**

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for

the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling **for the particular subclass of real property or for personal property, in the aggregate,** in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate **for the particular subclass of real property or for personal property, in the aggregate,** after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. The assessor shall certify the amount of new construction and improvements for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed

property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate were at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to a taxing jurisdiction which receives some portion of its funding pursuant to chapter 163, RSMo.

6. **(1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one-hundred. Where the taxing authority is a school district, such blended rate shall also be used by such**

school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest **[**one/one hundredth**]** **one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth** of a cent. **If** a taxing authority shall round **to one/one-hundredth of a cent, it shall round** up a fraction greater than or equal to **[**five/one thousandth**]** **five/one-thousandth** of one cent to the next higher **[**one/one hundredth**]** **one/one-hundredth** of a cent**; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent**. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action

pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed, to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property

in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under his or her care, charge or management, and all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county of the first classification with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

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

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

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

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

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

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

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

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

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

(5) Poultry, twelve percent; and

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

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

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

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

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

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

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

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

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

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car

Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

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

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

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. A county or city collector may accept credit cards as proper form of payment of outstanding property tax due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank for its service.

14. The provisions of sections 137.073, 137.115, 138.060 and 138.100 of this act shall become effective January 1, 2003 for any taxing jurisdiction which is partly or entirely within a county with a charter form of government with greater than one million inhabitants, and the provisions of sections 137.073, 137.115, 138.060 and 138.100 of this act shall become effective January 1, 2005 for all taxing jurisdictions in this state. Any county in this state may, by an affirmative vote of the governing body of such county, opt into the provisions of this act prior to January 1, 2005.

138.060. 1. The county board of equalization shall, in a summary way, determine all appeals from the valuation of property made by the assessor, and shall correct and adjust the assessment accordingly. There shall be no presumption that the assessor's valuation is correct. **In any county with a charter form of government with a population greater than two hundred eighty thousand inhabitants but less than two hundred eighty-five thousand inhabitants, and in any county with a charter form of government with greater than one million inhabitants, and in any city not within a county, the assessor shall have the burden to prove that the assessor's valuation does not exceed the true market value of the subject property. In such county or city, in the event a physical inspection of the subject property is required by subsection 10 of section 137.115, RSMo, the assessor shall have the burden to establish the manner in which the physical inspection was performed and shall have the burden to prove that the physical inspection was performed in accordance with section 137.115, RSMo. In such county or city, in the**

event the assessor fails to provide sufficient evidence to establish that the physical inspection was performed in accordance with section 137.115, RSMo, the property owner shall prevail on the appeal as a matter of law. At any hearing before the state tax commission or a court of competent jurisdiction of an appeal of assessment from a first class charter county or a city not within a county, the assessor shall not advocate nor present evidence advocating a valuation higher than that value finally determined by the assessor or the value determined by the board of equalization, whichever is higher, for that assessment period.

2. The county clerk shall keep an accurate record of the proceedings and orders of the board, and the assessor shall correct all erroneous assessments, and the clerk shall adjust the tax book according to the orders of such board and the orders of the state tax commission, except that in adding or deducting such percent to each tract or parcel of real estate as required by such board or state tax commission, he shall add or deduct in each case any fractional sum of less than fifty cents, so that the value of any separate tract shall contain no fractions of a dollar.

138.100. 1. The following rules shall be observed by such county boards of equalization:

(1) They shall raise the valuation of all tracts or parcels of land and all tangible personal property as in their opinion have been returned below their real value; but, after the board has raised the valuation of such property, notice shall be given that said valuation of such property has been increased and a hearing shall be granted; such notice shall be in writing and shall be directed to the owner of the property or the person controlling the same, at his last address as shown by the records in the assessor's office, and shall describe the property and the value thereof as increased; such notice may be by personal service or by mail and if the address of such person or persons is unknown, notice may be given by publication in two newspapers published within the county; such notice shall be served, mailed or published at least five days prior to the date on which said hearing shall be held at which objections, if any, may be made against said increased assessment;

(2) They shall reduce the valuation of such tracts or parcels of land or of any tangible personal property which, in their opinion, has been returned above its true value as compared with the average valuation of all the real and tangible personal property of the county.

2. Such hearings shall end on the last Saturday of July of each year; provided, that the estimated true value of personal property as shown on any itemized personal property return shall not be conclusive on the assessor or prevent the assessor from increasing such valuation. Provided further that said board of equalization shall meet thereafter at least once a month for the purpose of hearing allegations of erroneous assessments, double assessments and clerical errors, and upon satisfactory proof thereof shall correct such errors and certify the same to the county clerk and county collector.

3. The board of equalization in all counties with a charter form of government shall provide the taxpayer with written findings of fact and a written basis for the board's decision regarding any parcel of real property which is the subject of a hearing before any board of equalization."; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Gibbons, **HCS** for **HBs 1150**, **1237** and **1327**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS for HB 1196**, as amended; **HS** for **HCS** for **HBs 1729**, **1589** and **1435**; **HCS** for **HB 1695**, with **SCS**; **HS** for **HB 1399**; and **HCS** for **HB 1398**, begs leave to report that it has considered the same and recommends that the bills do pass.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 1594**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

PRIVILEGED MOTIONS

Senator Sims moved that the Senate request the House to grant further conference on **HS** for **SB 1220**, as amended, and that the conferees be allowed to exceed the differences with regard to limiting the number of race tracks, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Gibbons moved that **HCS** for **HBs 1150**, **1237** and **1327**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 1150**, **1237** and **1327**, as amended, was again taken up.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 3, Section 137.073, by inserting after "2." the following: "**(1)**"; and

Further amend said bill and section, by inserting at the end of said line the following: "**However, this inflationary growth factor shall be optional within each county.**

(2) The voters of any county or any city not within a county may choose not to allow its property levy rates to be revised by the political subdivision of the county to allow for the inflationary growth factor pursuant to the provisions of subdivision (1) of this subsection. The voters of any county or a city not within a county may opt in such inflationary adjustments in any of the following manners:

(a) The governing body of the county or the city not within a county may, by majority vote, submit to the voters at any municipal, primary or general election a referendum to prohibit the revision of its property levy rates to allow for the inflationary growth factor; or

(b) A referendum to prohibit the revision of the property levy rates of the county or the city not within a county, to allow for the inflationary growth factor may be submitted to the voters at any municipal, primary or general election based upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.

(3) In the event a referendum is to be submitted to the voters pursuant to subdivision (2) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the taxing authorities of ..... (county or city not within a county) be

prohibited from adjusting without voter approval the rate or rates of levy to increase the amount of property tax revenue to allow for inflationary growth that may occur between periods of assessment?

☐ Yes ☐ No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then it shall be in effect and a referendum to repeal the enacted ordinance shall not be submitted to voters for at least two years. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body shall not be prohibited from revising its levy rates to allow for the inflationary growth factor pursuant to subdivision (1) of this subsection and the issue may not be resubmitted to voters for at least two years. In accordance with the time limitations set forth in this subdivision, a referendum to repeal an ordinance enacted pursuant to this subdivision may be submitted to the voters upon majority vote of the governing body of the county or the city not within a county, or upon a petition containing the signatures of at least ten percent of the qualified voters voting in the last gubernatorial election who reside in the county or the city not within a county.".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Gibbons, **HCS** for **HBs 1150**, **1237** and **1327**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Dougherty moved that the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, again be taken up for adoption, which motion prevailed.

Senator Dougherty moved that the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Klindt	Mathewson	Quick
Schneider	Sims	Steelman	Stoll
Wiggins	Yeckel—22		

NAYS—Senators

Childers	Kenney	Kinder	Klarich
Loudon	Rohrbach	Russell	Singleton
Westfall—9			

Absent—Senators

Jacob Staples—2

Absent with leave—Senator DePasco—1

On motion of Senator Dougherty, **HS** for **HCS** for **SCS** for **SB 810**, as amended by the Conference Committee Report, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Gibbons	Gross
House	Johnson	Kennedy	Kenney
Klindt	Mathewson	Quick	Schneider
Sims	Steelman	Stoll	Wiggins
Yeckel—21			

NAYS—Senators

Childers	Foster	Kinder	Klarich
Loudon	Rohrbach	Russell	Singleton
Westfall—9			

Absent—Senators

Goode	Jacob	Staples—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

Senator Dougherty moved that the vote by

which the bill passed be reconsidered.

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

HOUSE BILLS ON THIRD READING

Senator Westfall moved that **SS** for **SCS** for **HB 1196**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Westfall, **SS** for **SCS** for **HB 1196**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Gibbons	Goode
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel—23	

NAYS—Senators

Bland	Foster	Gross	Loudon
Rohrbach	Singleton—6		

Absent—Senators

Jacob	Mathewson	Quick	Staples—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
House	Johnson	Kennedy	Kenney
Kinder	Klindt	Mathewson	Russell
Schneider	Steelman	Stoll	Westfall
Wiggins	Yeckel—22		

NAYS—Senators

Bentley	Bland	Gross	Loudon
Rohrbach	Singleton—6		

Absent—Senators

Jacob	Klarich	Quick	Sims
Staples—5			

Absent with leave—Senator DePasco—1

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

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

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

Senator Mathewson requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HS** for **HCS** for **SS** for **SB 1248**, as amended, to meet in the Senate Lounge while the Senate is in session, which request was granted.

Senator Westfall requested unanimous consent of the Senate to suspend the rules to allow the conferees on **HS** for **SCS** for **SBs 915**, **710** and **907**, as amended, to meet at 5:00 p.m. while the Senate is in session, which request was granted.

Senator Bland requested unanimous consent of the Senate to suspend the rules to allow the Senate conferees on **HS** for **HCS** for **SCS** for **SB 680**, as amended, to meet when the conferees from the House are available while the Senate is in session, which request was granted.

HOUSE BILLS ON THIRD READING

Senator Gibbons moved that **HCS** for **HBs 1150**, **1237** and **1327**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

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

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 14, Section 144.1015, Line 27, by inserting after all of said line the following:

"**620.012. 1. Notwithstanding any other provision of law, before the director of revenue enters into any agreement to abate all or part of a taxpayer's liability to the state, including interest and additions to tax, the director shall forward a copy of the agreement to the attorney general before entering into such agreement.**

2. Upon receiving the proposed agreement, the attorney general shall, within ten days, review and approve such agreement for its legal form and content as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the agreement with additional proposed provisions as may be necessary to the proper enforcement of the agreement as required to protect the state's legal interest. If the attorney general does not respond within ten days, or in the case of any agreement that involves an abatement of the taxpayer's tax liability, including interest and additions to tax, to the state of one million dollars or more, within thirty days, the agreement shall be deemed approved.

3. Communications related to the attorney general's review are attorney-client communications. The attorney general's written disposition shall be subject to chapter 610, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 2, Section 620.012, Line 1, by inserting after "RSMo." the following:

"4. The provisions of this section shall terminate January 1, 2005.".

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

Senator Singleton assumed the Chair.

SA 3, as amended, was again taken up.

Senator Schneider moved that the above amendment, as amended, be adopted, which motion prevailed.

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 14, Section 144.1015, Line 27, by inserting after all of said line the following:

"**Section 1. The provisions of this act shall not apply to any county with a charter form of government a population greater than two hundred fifty thousand inhabitants but less than three hundred thousand inhabitants**"; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

At the request of Senator House, **SA 4** was withdrawn.

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Bills Nos. 1150, 1237 and 1327, Page 14, Section 144.1015, Line 27, by inserting after all of said line the following:

"**Section 1. The provisions of Sections 137.073, 137.115, 138.060, and 138.100 of this act shall not apply to any county with a charter form of government a population greater than two hundred fifty thousand inhabitants but less than three hundred thousand inhabitants**"; and

Further amend the title and enacting clause accordingly.

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

SA 5 failed of adoption by the following vote:

YEAS—Senators

Caskey	Cauthorn	Dougherty	Gross
House	Johnson	Kennedy	Kinder
Rohrbach	Russell	Stoll—11	

NAYS—Senators

Childers	Foster	Gibbons	Goode
Kenney	Klarich	Klindt	Loudon
Mathewson	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel—16

Absent—Senators

Bentley	Bland	Coleman	Jacob
Quick	Schneider—6		

Absent with leave—Senator DePasco—1

At the request of Senator Gibbons, **HCS** for **HBs 1150**, **1237** and **1327**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Kenney moved that **HCS** for **HB 1143**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which mtoion prevailed.

SS for **SCS** for **HCS** for **HB 1143**, as amended, was again taken up.

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

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 134, Section 135.530, by deleting brackets on said page.

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

Senator Steelman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 107, Section 99.984, Lines 7-8 of said page, by striking said lines and inserting in lieu thereof the following: "**development projects adopted pursuant to sections 99.915 to 99.984. The purpose of the hearing shall be to determine if**".

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

Senator Steelman offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Section 348.302, Page 150, Line 7 of said page, by inserting after all of said line the following:

"**Section 1. The housing authority commission shall appoint a Section 8 housing evaluation committee of seven members composed of three landlords and four members from business and community groups.**"; and

Further amend said bill, Page 62, Section 99.921, Line 25 of said page, by inserting after

"corporation" the following: "**association**"; and

Further amend said bill, Page 72, Section 99.936, Lines 15 to 18 of said page, by striking said lines and inserting in lieu thereof the following:

"**3. Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city not within a county, and any county with a charter form of government and with more than one million inhabitants shall approve a minority and women-owned business enterprise program to be implemented by the downtown economic stimulus authority. The program shall require all businesses, vendors and contractors working on projects undertaken by the authority to ensure enforcement of an equal opportunity employment plan and a minority and women-owned business program that is based on population and availability that contains specific goals for each such business, vendor and contractor, in accordance with applicable state and federal laws, rules, regulations and orders.**"; and

Further amend said bill, Page 75, Section 99.944, Lines 12 to 29 of said page, by striking all of said lines; and

Further amend said bill, Page 76, Section 99.944, Lines 1 to 10 of said page, by striking all of said lines and inserting in lieu thereof the following:

"**99.944. 1. Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county with a charter form of government and with more than one million inhabitants, and any city not within a county may by ordinance establish a fund for the purpose of providing funds to community development corporations in such city for comprehensive programs within such city to stimulate economic development, housing, and other public benefits leading to the development of economically sustainable neighborhoods or communities, such fund to be known as the "Community Development Corporation Revolving Fund". Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**

2. The community development corporation revolving fund shall be administered by a community development corporation revolving fund board, which shall consist of six members appointed by the chief elected official of such municipality or county, of which one shall be a member of the economic stimulus authority, three shall be members of the local regional community development association, and two shall be members of local business or financial organizations. The initial members shall serve staggered terms of one, two, and three years as determined by the chief elected official at the time of appointment. Thereafter, successor members shall be appointed by the chief elected official for a term of three years, and shall hold office until a successor is appointed. Any member may be removed by the chief elected official for inefficiency, neglect of duty, or misconduct. All vacancies shall be filled by appointment of the chief elected official for the unexpired term. No member shall receive compensation for the member's services, but shall be entitled to necessary and reasonable expenses, including travel expenses, incurred in the discharge of the member's duties. The chief elected official shall appoint the chair of the board, and the members of the board shall elect officers from the membership of the board."; and

Further amend said bill, Page 77, Section 99.944, Line 4 of said page, by inserting after "annually." the following: "**Any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city not within a county, and any**

county with a charter form of government and with more than one million inhabitants that enacts any new local sales tax for any downtown development project pursuant to this section shall distribute at least five percent of the revenue generated by the sales tax to the fund.".

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

Senator Goode offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 61, Section 99.915, Line 27 of said page, by inserting after all of said line the following:

"**3. No transfer from the general revenue fund to the special allocation fund defined in subsection 20 of section 99.945 shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project.**".

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

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

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 83, Section 99.945, Line 27 of said page, by striking the following: "some portion" and inserting in lieu thereof the following: "**a percentage not to exceed fifty percent**".

Senator Goode moved that the above amendment be adopted.

Senator Childers assumed the Chair.

At the request of Senator Goode, **SA 14** was withdrawn.

Senator Singleton offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 116, Section 135.259, Line 23, by inserting immediately after said line the following:

"**135.260. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in every city of the fourth classification with greater than five thousand two hundred inhabitants and less than five thousand three hundred inhabitants in every noncharter county of the first classification which contains greater than one hundred four thousand inhabitants and fewer than one hundred five thousand inhabitants. Such enterprise zone shall only be made if such area in the city which is to be included meets all the requirements of section 135.205.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 83, Section 99.945, Line 29, by inserting immediately after the word "increment," the following: "based on the estimate at the time of the initial agreement,".

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

Senator Goode offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 83, Section 99.945, Line 27 of said page, by striking the following: "some portion" and inserting in lieu thereof the following: "**a percentage not to exceed fifty percent**".

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

President Pro Tem Kinder assumed the Chair.

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

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 146, Section 238.230, Line 29, by adding:

"288.038. 1. Notwithstanding any other laws the Eastern Shawnee and Northern Cherokee Indian tribes herewith are declared recognized tribes of Missouri.".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 18** was withdrawn.

Senator Gross assumed the Chair.

Senator Rohrbach offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 139, Section 135.535, Line 21 of said page, by inserting immediately after said line the following:

"**135.800. Any unused tax credits authorized pursuant to law shall be reallocated and applied to sections 135.327 and 135.600, but the maximum amount of such reallocation shall not exceed twice the amount of cumulative tax credits specified in section 135.327 and 135.600.**"; and

Further amend the title and enacting clause accordingly.

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

President Maxwell assumed the Chair.

Senator Goode offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Pages 128-130, Section 135.481, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 107, Section 99.984, by inserting immediately after all of said section the following:

"100.840. 1. To provide funds for the present payment of the costs of economic development projects, the board may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. [The total amount of outstanding certificates sold by the board shall not exceed seventy-five million dollars.] The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board, and may bear interest at such rate or rates as the board shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. Certificates may be issued with respect to a single

project or multiple projects and may contain terms or conditions as the board may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. Certificates may be issued for the purpose of refunding a like, greater or lesser principal amount of certificates and may bear a higher, lower or equivalent rate of interest than the certificates being renewed or refunded.

3. The board shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

4. Certificates issued pursuant to this section shall not be deemed to be an indebtedness of the state or the board or of any political subdivision of the state.

5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed ten million dollars annually.".

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

Senator Gibbons offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 107, Section 99.984, Line 15, by inserting immediately after all of said line the following:

"100.010. As used in sections 100.010 to 100.200, unless the context clearly indicates otherwise, the following words and terms have the following meanings:

(1) "Division", an appropriate division of the department of economic development of the state of Missouri, or any agency which succeeded to the functions of the division of commerce and industrial development;

(2) "Facility", an industrial plant purchased, constructed, extended or improved pursuant to sections 100.010 to 100.200, including the real estate, buildings, fixtures and machinery;

(3) "Governing body", bodies and boards, by whatever names they may be known, charged with the governing of a municipality as herein defined;

(4) "Municipality", any county, city, incorporated town or village of the state;

(5) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company or a credit card billing and processing center;

(6) "Project for industrial development" or "project", the purchase, construction, extension and improvement of warehouses, distribution facilities, research and development facilities, office industries, agricultural processing industries, service facilities which provide interstate commerce, and industrial plants, including the real estate either within or without the limits of such municipalities, buildings, fixtures, and machinery; except that any project of a municipality having fewer than eight hundred inhabitants shall be located wholly within the limits of the municipality**;**

(7) "Revenue bonds", bonds, loans, debentures, notes, special certificates or other evidences of indebtedness issued by a municipality and secured by revenues of a project for industrial development;

(8) "Taxing district", any political

subdivision of this state having the power to levy ad valorem taxes and whose boundaries for ad valorem taxation purposes include any portion of the area in which the project will be located.

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

(1) A description of the project;

(2) An estimate of the cost of the project;

(3) A statement of the source of funds to be expended for the project;

(4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and

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

2. If the plan for the project is approved after August 28, 2002, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

(1) A statement identifying each taxing district affected by such project;

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

(3) An analysis of the costs and benefits of the project on each taxing district; and

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

3. If the plan for the project is approved after August 28, 2002, any payments in lieu of taxes, contributions, grants or other payments of any nature whatsoever expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the play. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each taxing district in proportion to the current ad valorem tax levy of each taxing district.

100.060. 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days prior to approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a taxing district. Such notice shall include the information required in section 100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such taxing districts to submit comments to the governing body.

2. Projects of a county must be located within an unincorporated area of such county except that such projects may be located within the incorporated limits of a city, town or village within such county when approved by the governing body of such city, town or village.

3. This section is applicable only if the plan for the project is approved after August 28, 2002.

100.105. No later than January thirty-first of

each year, the municipality shall file a report with the department of economic development on the previous year's revenue bond issuances and general obligation bond issuances, which report shall contain only the following information:

(1) The name, address, spokesperson, and telephone number of the issuing entity;

(2) The name, address, age, and type of business of the beneficiary firm;

(3) The amount, term, interest rate or rates, and date of issuance of the bonds issued;

(4) The name and address of the underwriter, if any, of such bonds;

(5) The name and address of the guarantor, if any;

(6) The size, by assets and previous year's sales, and the current number of employees, of the beneficiary firm;

(7) A copy of the preliminary official statement used when offering the bonds for sale;

(8) The estimated number of new jobs to be generated by the proposed project;

(9) A list of the use of bond proceeds, including whether the purpose of the project and the funds generated by the issuance of such bonds is to open a new business, build a branch plant, expand an existing facility, or acquire an existing business**[**;**] together with a general description of the real property or personal property purchased by or on behalf of the municipality with such proceeds; and**

(10) The estimated total cost of the project.

100.180. The municipality shall have the authority to enter into loan agreements, sell, lease, or mortgage to private persons, partnerships or corporations the facilities purchased, constructed or extended by the municipality for manufacturing and industrial development purposes. In the event that the facility has been financed by revenue bonds, the installments of charges or rents shall be sufficient to meet the interest and sinking fund requirements on the bonds. The loan agreement, installment sale agreement, **[**or**]** lease**, or other such document** shall contain such other terms as are agreed upon between the municipality and the obligor, provided that such terms shall be consistent with the other provisions of sections 100.010 to 100.200."; and

Further amend said bill, Page 139, Section 135.535, Line 21, by inserting after all of said line the following:

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

(1) "General reassessment", changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the

previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation, exclusive of new construction and improvements. All political subdivisions shall immediately revise the rates of levy for each purpose for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor shall be limited to the actual assessment growth within the political subdivision, exclusive of new construction and improvements, but not to exceed the consumer price index or five percent, whichever is lower.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, **sections 100.010 to 100.200, RSMo,** sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. The assessor shall certify the amount of new construction and improvements for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the

calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one/one hundredth of a cent. A taxing authority shall round up a fraction greater than or equal to five/one thousandth of one cent to the next higher one/one hundredth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority.

The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax

erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed, to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year."; and

Further amend the title and enacting clause accordingly.

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

Senator Gibbons offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 61, Section 99.134, Line 22, by inserting at the end of said line the following:

"99.847. Any district providing emergency services pursuant to chapter 190 or 321, RSMo, **[**upon the provision of evidence to the governing body of the municipality that direct costs incurred by such district in providing emergency services to the redevelopment area are directly attributable to the operation of redevelopment projects as these terms are defined in section 99.805, in the redevelopment area,**]** shall be entitled to reimbursement from the special allocation fund **[**for direct costs to the extent that such district can demonstrate that the increased tax revenues it receives from such projects in such areas are insufficient to fund such direct costs. However, such reimbursement shall not be less than twenty-five**] in the amount of at least fifty** percent [nor] **but no** more than one hundred percent of the district's tax increment."; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 24**, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Pages 132-133, Section 135.487, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"**Section 1. If a city not within a county has, with or without a contract with the owner or lessee of the property or such owner's or lessee's agent, trustee, contractor, or subcontractor, ordered a mechanic or other person to perform the work described in subsection 3 of section 429.015, RSMo, and if such city has paid the mechanic or other person in full at any time within one hundred twenty days after the mechanic or other person has completed such work, then such city shall, upon complying with the provisions of sections 429.010 to 429.340, have a lien on the property in lieu of the lien that the mechanic or other person would have had pursuant to subsection 3 of section 429.015, RSMo.**"; and

Further amend the title and enacting clause

accordingly.

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

Senator Goode offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"**Section 1. Notwithstanding any other provision of law to the contrary, any bonds issued by a local issuing entity for tax increment financing shall be an obligation of the local issuing entity and shall not be an obligation of the state, binding or otherwise, regardless of whether the state appropriates moneys to the local entity for payment of principal or interest on the bond obligations.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 150, Section 348.302, Line 7, by inserting after all of said line the following:

"**Section 1. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than one million inhabitants.**

2. Sections 99.866 to 99.874, RSMo, shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects (including redevelopment project costs) by not more than forty percent of such project original projected cost (including redevelopment project costs) as such projects (including redevelopment project costs) existed as of June 30, 2003, and shall allow the aforementioned tax incremented financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003."; and

Further amend the title or enacting clause accordingly.

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

Senator Goode offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1143, Page 116, Section 135.259, Line 23, by inserting after all of said line the following:

"**135.263. In addition to the number of enterprise zones authorized pursuant to sections 135.206, 135.210, 135.211, 135.256, 135.257, 135.259, 135.260 and 135.261, the department of economic development shall designate one such zone in a contiguous area, not to exceed two thousand acres, only if such single zone is situated at least partly within:**

(1) A village with more than three thousand but less than three thousand one hundred inhabitants;

(2) A home rule city with more than ten thousand but less than ten thousand one hundred inhabitants;

(3) A home rule city with more than twenty-two thousand but less than twenty-three

thousand inhabitants; and

(4) A fourth class city with more than four hundred forty but less than four hundred fifty inhabitants;

located in any county with a charter form of government and with more than one million inhabitants. Such enterprise zone designations shall only be made if such area meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

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

Senator Kenney moved that **SS** for **SCS** for **HCS** for **HB 1143**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HCS** for **HB 1143**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Wiggins—26		

NAYS—Senators

Gross	House	Loudon	Rohrbach
Yeckel—5			

Absent—Senators

Staples	Westfall—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1803, regarding the Fiftieth Birthday of Velma McBride Murry, Ph.D., Bogart, Georgia, which was adopted.

Senator Yeckel offered Senate Resolution No. 1804, regarding Sister Frances Therese Hansman, C.P.P.S., St. Louis, which was adopted.

Senators Schneider, Caskey, Russell, Goode, Singleton, Rohrbach, Stoll, Kenney, Gibbons, Johnson, Klarich, Yeckel, Klindt, Sims, Bentley, Childers, Mathewson, Wiggins and Westfall offered the following resolution:

SENATE RESOLUTION NO. 1805

WHEREAS, during the interim between the First and Second Regular Session of the Ninety-First General Assembly, the Senate Chamber was subject to renovation under the direction of the Division of Design and Construction of the Office of Administration; and

WHEREAS, during this renovation, the long-standing placement of desks upon the floor of the Missouri Senate was significantly changed without the approval of the members of the Missouri Senate; and

WHEREAS, the change in seating placement on the floor of the Missouri Senate has made it difficult for Senators to abide by the traditions and custom of the Senate in their access to and egress from their respective seats and appurtenances thereto; and

WHEREAS, the new seating arrangement compromises proper order, safety and decorum in the chamber:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, do hereby direct the Division of Design and Construction of the Office of Administration to restore the traditional seating arrangement to the Senate Chamber and any costs associated thereto to be paid by the Missouri Senate Contingent Fund; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution and deliver same to the Commissioner of Administration so that its intention and direction be expedited forthwith.

MESSAGES FROM THE HOUSE

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 **SCS** for **SBs 670** and **684**, as amended. Representatives: Harlan, Hosmer, Baker, Richardson and Byrd.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House is no longer binding the House conferees to **HA 2** to **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969**, **673** and **855**, as amended, and grants the Senate further conference on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969**, **673** and **855**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has allowed the House conferees to exceed the differences on **HS** for **HCS** for **SS** for **SB 1248**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HS** for **HCS** for **HBs 1502** and **1821** and has taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HBs 1502** and **1821**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 831**.

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 adopted the Conference Committee Report on **HS** for **HCS** for **SB 895**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SB 895**.

Bill ordered enrolled.

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 **SS No. 2** for **SCS** for **SBs 984** amd **985**, 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 grants the Senate further conference on **HS** for **SB 1220**, as amended, and that the House conferees are allowed to exceed the differences with regard to limiting the number of race tracks and age.

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 No. 2** for **SCS** for **HB 1348**, as amended. Representatives: Berkowitz, Barnitz, Shoemyer (9), Legan, Myers.

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 **SCS** for **SB 680**, as amended. Representatives: Barry, Campbell, Kelly (27), Bartlesmeyer and Miller.

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 **HCS** for **SCS** for **SB 1202** and has taken up and passed **CCS** for **HCS** for

SCS for **SB 1202**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969**, **673** and **855**, as amended. Representatives: Smith, Hosmer, Britt, Mayer and Hendrickson.

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 1313** and has taken up and passed **CCS** for **SCS** for **HB 1313**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 712**, as amended and has taken up and passed **CCS** for **HS** for **HCS** for **SB 712**.

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 adopted the Conference Committee Report on **HS** for **SCS** for **SB 1026**, as amended and has taken up and passed **CCS** for **HS** for **SCS** for **SB 1026**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended. Representatives: Merideth, Ransdall, Barnitz, Marble and Kelly (144).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that Representative Holand has replaced Representative Bartlesmeyer on the conference committee for **HS** for **HCS** for **SCS** for **SB 680**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 810** and has taken up and passed **HS** for **HCS** for **SCS** for **SB 810**, as amended by the CCR.

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 **SCS** for **SBs 923**, **828**, **876**, **694** and **736**, entitled:

An Act to repeal sections 28.160, 135.327, 191.925, 192.016, 210.001, 210.145, 210.201, 210.906, 211.031, 211.181, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121, 294.141, 452.402, 453.030, 454.606, 454.609, 454.615, 454.618, 454.627, and 454.700, RSMo, and to enact in lieu thereof twenty-eight new sections relating to children and families, with penalty provisions.

With House Amendments Nos. 2, 3, 5, 6, 7, 8, 10 and 11.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 13, Section 210.001, Lines 8 and 9, by inserting an open bracket "**[**" around "(5)" and a closed bracket "**]**"

around "center;"; and

Further amend said bill, said section, said page, Line 8, by inserting in lieu thereof, the following:

"**(5) The Greene County child assessment center;**" and

Further amend said bill, said section, said page, Line 16, by striking the word "**and**"; and

Further amend said bill, said section, said page, Line 17, by striking "**center.**" and inserting in lieu thereof, "**center; and**"; and

Further amend said bill, said section, said page, Line 18, by inserting on said line, the following:

"**(14) The Lakes Area child assessment center.**"; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 15, Section 210.145, Line 21, by inserting after "observation." the following: "If the parents of the child are not the alleged abusers, the parents of the child must be notified prior to the child being interviewed by the division. The division shall not meet with the child in any location where abuse of such child is alleged to have occurred."; and

Further amend said section, Page 16, Line 11 of said page by inserting an opening bracket immediately before the word "public"; and further amend Line 12 of said page, by inserting a closing bracket immediately after the period; and further amend Line 11 after the word "the" by inserting the following: "superintendent of each school district shall designate a specific person or persons to act as the public school district liaison."; and further amend Line 15 of said page, by inserting at the end of said line the following: "Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.".

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting at the appropriate location the following section:

"452.377. 1. For purposes of this section and section 452.375, "relocate" or "relocation" means a change in the principal residence of a child for a period of ninety days or more, but does not include a temporary absence from the principal residence.

2. **Except as otherwise provided in subsection 3 of this section:**

(1) Notice of a proposed relocation of the residence of the child, or any party entitled to custody or visitation of the child, shall be given in writing by certified mail, return receipt requested, to any party with custody or visitation rights[. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided] at least sixty days in advance of the proposed relocation. The notice of the proposed relocation shall include the following information:

[(1)] **(a)** The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

[(2)] **(b)** The home telephone number of the new residence, if known;

[(3)] **(c)** The date of the intended move or proposed relocation;

[(4)] **(d)** A brief statement of the specific reasons for the proposed relocation of a child, if applicable; and

[(5)] **(e)** A proposal for a revised schedule of custody or visitation with the child, if applicable[.

3.]**; and**

(2) A party required to give notice of a proposed relocation pursuant to **this** subsection [2 of this section] has a continuing duty to provide a change in or addition to the information required by this section as soon as such information becomes known.

[4. In exceptional circumstances where] **3. If any party believes circumstances that require immediate aid or action exist, including circumstances where the health or safety of any adult or child would be unreasonably placed at risk by providing the notice or disclosures required in subsection 2 of this section, the following procedure shall apply:**

(1) By January 1, 2003, the state courts administrator shall develop and adopt a uniform form for providing notice to a nonrelocating party of a proposed relocation with exigent circumstances. Such form shall be provided to each circuit clerk and shall contain, but is not limited to, the following:

(a) A description of the nature of the exigent circumstances;

(b) An estimate of the distance to the intended new resident in miles, rounded to the nearest fifty miles;

(c) Whether the relocation will change the school district of the child being relocated; and

(d) Notification to the nonrelocating party that the child may be relocated unless the party files a motion seeking an order to prevent the proposed relocation within thirty days after receipt of such notice.

The current address and the specific intended new residence address of the relocating party shall not be provided to the nonrelocating party;

(2) The party believing exigent circumstances exist and the health or safety of any adult or child would be unreasonably placed at risk by providing the notice or disclosures required in subsection 2 of this section shall complete the uniform form created in subdivision (1) of this subsection and provide such limited notice to the nonrelocating party;

(3) If the nonrelocating party does not file a motion seeking an order to prevent the relocation within thirty days after receipt of the notice provided pursuant to this subsection, the residence of the child may be relocated immediately;

(4) If the nonrelocating party files a motion seeking an order to prevent the relocation within thirty days after receipt of the notice provided pursuant to this subsection, a hearing shall be held and if the court makes a finding that the health or safety of any adult or child would be unreasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the court may order that:

[(1)] **(a)** The specific residence address and telephone number of the child, parent or person, and other identifying information shall not be disclosed in the [pleadings, notice, other] documents filed in the proceeding or the final order except for an in camera disclosure;

[(2)] **(b)** The notice requirements provided by this section shall be waived to the extent necessary to protect the health or safety of a child or any adult; or

[(3)] **(c)** Any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child[.]**;**

[5.] **(5) If the court determines that the health or safety of any adult or child would not be reasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the party shall comply with the disclosure requirements in this section.**

4. Except as otherwise provided in subsection 3 of this section, the court shall consider a failure to provide notice of a proposed relocation of a child **or any party entitled to custody or visitation of the child** as:

(1) A factor in determining whether custody and visitation should be modified;

(2) A basis for ordering the return of the child if the relocation occurs without notice; and

(3) Sufficient cause to order the party seeking to relocate the child to pay reasonable expenses and attorneys fees incurred by the party objecting to the relocation.

[6. If the parties agree to a revised schedule of custody and visitation for the child, which includes a parenting plan, they may submit the terms of such agreement to the court with a written affidavit signed by all parties with custody or visitation assenting to the terms of the agreement, and the court may order the revised parenting plan and applicable visitation schedule without a hearing.

7.] **5.** The residence of the child may be relocated sixty days after providing notice, as required by this section, unless a parent files a motion seeking an order to prevent the relocation within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit setting forth the specific factual basis supporting a prohibition of the relocation. The person seeking relocation shall file a response to the motion within fourteen days, unless extended by the court for good cause, and include a counter-affidavit setting forth the facts in support of the relocation as well as a proposed revised parenting plan for the child.

[8.] **6.** If relocation of the child is proposed, a third party entitled by court order to legal custody of or visitation with a child and who is not a parent may file a cause of action to obtain a revised schedule of legal custody or visitation, but shall not prevent a relocation.

[9.] **7.** The party seeking to relocate shall have the burden of proving that the proposed relocation is made in good faith and is in the best interest of the child.

[10. If relocation is permitted:

(1)] **The nonrelocating party shall provide sufficient evidence to support such party's opposition to the proposed relocation.**

8. If the court finds that relocation is in the best interest of the child and will be permitted, the schedule of custody and visitation, including a parenting plan, shall be modified as follows:

(1) If the parties agree to a revised schedule of custody and visitation for the child, including a parenting plan, they may submit the terms of such agreement to the court with a written affidavit signed by all parties with custody or visitation assenting to the terms of the agreement, and the court may order the revised parenting plan and applicable visitation schedule without a hearing;

(2) If the parties cannot agree to a revised schedule of custody and visitation for the child, including a parenting plan, the revised parenting plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child. In the revised parenting plan:

(a) The court shall order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing and meaningful contact with the nonrelocating party unless the child's best interest warrants otherwise; and

[(2)] **(b)** The court shall specify how the transportation costs will be allocated between the parties and adjust the child support, as appropriate, considering the costs of transportation.

[11.] **9.** After August 28, 1998, every court order establishing or modifying custody or visitation shall include the following language: "[Absent exigent circumstances as determined by a court with jurisdiction] **Unless limited notice is provided pursuant to subsection 3 of section**

452.377, RSMo, and a court with jurisdiction determines that exigent circumstances exist, including circumstances where the health or safety of any adult or child would be unreasonably placed at risk by such notice or disclosure, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of **your relocation or** any proposed relocation of the principal residence of the child, including the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of the child; and

(5) A proposal for a revised schedule of custody or visitation with the child.

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice.".

[12.] **10. Except as otherwise provided in subsection 3 of this section,** violation of the provisions of this section or a court order under this section may be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

[13.] **11.** Any party who objects in good faith to the relocation of a child's principal residence shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate."; and

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 14, Section 210.001, Line 10 of said page, by inserting the following:

"210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, **minister as provided by Section 352.400, RSMo**, Christian Science practitioner, peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. Whenever such person is required to report

pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

4. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

5. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452, RSMo, and shall report the findings to the child fatality review panel established pursuant to section 210.192.

6. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting or causing a report to be made to the division.

7. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the Missouri division of family services."; and

Further amend said bill, Page 59, Section 294.141, Line 21 of said page, by inserting immediately after said line the following:

"**352.400. 1. As used in this section, the following words and phrases shall mean:**

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse, injury or harm to a child under circumstances required to be

reported pursuant to sections 210.109 to 210.183, RSMo;

(2) "Child", any person, regardless of physical or mental condition, under eighteen years of age;

(3) "Minister", any person while practicing as a minister of the gospel, clergyperson, priest, rabbi, or other person serving in a similar capacity for any religious organization who is responsible for or who has supervisory authority over one who is responsible for, the care, custody, and control of a child or has access to a child.

(4) "Neglect", failure to provide the proper or necessary support or services by those responsible for the care, custody, and control of a child, under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(5) "Religious organization", any society, sect, persuasion, mission, church, parish, congregation, temple, convention or association of any of the foregoing, diocese or presbytery, or other organization, whether or not incorporated, that meets at more or less regular intervals for worship of a supreme being or higher power, or for mutual support or edification in piety or with respect to the idea that a minimum standard of behavior from the standpoint of overall morality is to observed, or for the sharing of common religious bonds and convictions;

(6) "Report", the communication of an allegation of abuse or neglect pursuant to sections 210.109 to 210.183, RSMo.

2. When a minister or agent designated pursuant to subsection 3 of this section has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under circumstances required to being reported pursuant to sections 210.109 to 210.183, RSMo, the minister or designated agent shall immediately report or cause a report to be made as provided in sections 210.109 to 210.183, RSMo. Notwithstanding any other provision of this section or sections 210.109 to 210.183, RSMo, a minister shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

3. A religious organization may designate an agent or agents required to report pursuant to sections 210.109 to 210.183, RSMo, in an official capacity on behalf of the religious organization. In the event a minister, official or staff member of a religious organization has probable cause to believe that the child has been subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 213.183, RSMo, and the minister, official or staff member of the religious organization does not personally make a report pursuant to sections 210.109 to 210.183, RSMo, the designated agent of the religious organization shall be notified. The designated agent shall then become responsible for making or causing the report to be made pursuant to sections 210.109 to 210.183, RSMo. This section shall not preclude any person from reporting abuse or neglect as otherwise provided by law."; and

Further amend the title and enacting clause of said bill accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting at the appropriate location the following section:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient,

furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a handling fee of fifteen dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

4. Effective February first of each year, the handling fee and per page fee listed in subsection 1 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for all urban consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted handling and per page fees on the department's Internet website by February first of each year.

[191.233. The limits provided in section 191.227 shall be increased or decreased on an annual basis effective January first of each year in accordance with the Health Care Financing Administration Market Basket Survey.]"; and

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

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting in the appropriate location, all of the following:

"196.230. **1.** The director of the department of health **and senior services** and [his] **the director's** assistants or agents [by him] appointed **by the director**, the state, county, city and town health officers shall have full power at any time to enter and inspect every building, room, basement or cellar, occupied or used, or suspected of being used, for the production for sale, manufacture for sale, storage, sale, distribution or transportation of food and all utensils, fixtures, furniture and machinery used as aforesaid, and if upon inspection any food producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver or other person is found to be violating any of the provisions of sections 196.190 to 196.265, or if the production, cooking, preparation, manufacture, packing, storing, sale, distribution or transportation of food is being conducted in a manner detrimental to the health of the employees and operatives and the character or quality of the food therein being produced, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector, making the examination or inspection, shall furnish evidence of [said] **such** violation to the prosecuting attorney of the county in which the violation occurs, and it shall be the duty of all prosecuting attorneys to represent and prosecute, in behalf of the people, when called

upon by the director of the department of health **and senior services** to do so, all such cases of offenses arising [under] **pursuant to** the provisions of sections 196.190 to 196.265. When complaint is made by the [said] director of the department of health **and senior services**, security for costs shall not be required of the complainant in any case at any time of the prosecution or trial.

2. All state, county and municipal health officials or inspectors shall utilize the most recent Missouri Food Code for the inspection of entities listed in subsection 1 of this section.

3. The department of health shall notify its division of nutritional health and services of any violation of sections 196.190 to 196.265 by a grocery store that is found during an inspection conducted pursuant to subsection 1 of this section.

196.232. Any grocery store, convenience store or food distributing establishment that redeems state-issued Women, Infant and Children (WIC) food instruments and receives two unsatisfactory health examinations or inspections from the department of health within a three-year period shall be disqualified from the WIC program for a period of not less than six months and not more than one year. Such stores or establishments shall also be subject to any other administrative remedies available under the WIC program.

196.235. Any person who violates any of the provisions of sections 196.190 to 196.230, shall be guilty of a misdemeanor, and, on conviction, shall be punished for the first offense by a fine of not less than [ten] **twenty** dollars nor more than one hundred dollars **a day for each day such violation is not corrected**, or be imprisoned in the county jail not exceeding thirty days, or both, in the discretion of the court."; and

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

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting at the appropriate location the following section:

"**208.344. 1. By December 1, 2002, and annually thereafter, the division of family services shall submit a report to the governor, the president pro tempore of the senate, and the speaker of the house of representatives regarding the progress of welfare reform in Missouri. The report shall include, but not be limited to, current statistics and recommendations regarding:**

(1) Individuals who have successfully left welfare and employment of such individuals;

(2) Individuals who remain on or have returned to welfare; and

(3) Benefits of welfare reform realized by families, employers, and the state.

2. The provisions of this section shall expire on December 31, 2007."; and

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

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, by inserting the following in the appropriate location:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, **or copy service for said provider,** herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, **or any person entitled to bring an action for wrongful death of a deceased patient pursuant to Section 537.080, RSMo**, furnish a copy of his record of

that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within [a reasonable time] **60 days** of the receipt of the request therefor and upon payment of a handling fee of fifteen dollars plus a fee of thirty-five cents per page [for copies of documents made on a standard photocopy machine].

2. [Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.] **Any provider who does not furnish records within 60 days of the receipt of the request therefor shall forfeit the handling fee, the per page copy fee and, in addition, shall pay the person who requested said records a penalty in the amount of fifteen dollars plus thirty-five cents per page per day commencing on the 61st day until such date as the records shall be furnished.**

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Sims moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 923**, **828**, **876**, **694** and **736**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended: Senators Steelman, Klindt, Cauthorn, Caskey and Coleman.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HB 1348**, as amended: Senators Foster, Klindt, Cauthorn, Dougherty and Coleman.

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, the Physician of the Day, Dr. Robert O. Schaaf, M.D., St. Joseph.

On motion of Senator Kenney, the Senate adjourned until 9:00 a.m., Friday, May 17, 2002.

SENATE CALENDAR

SEVENTY-FIFTH DAY–FRIDAY, MAY 17, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and Russell, with SCS

SBs 1085 & 1262-Yeckel and Childers, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HB 1399-Ransdall (Yeckel)
2. HCS for HB 1398 (Yeckel)
3. HCS for HB 1689, with SCS (Klarich) (In Budget Control)
4. HCS for HB 1695, with SCS (Kenney)
5. HS for HCS for HBs 1729, 1589 & 1435-Barnitz (Cauthorn)
6. HB 1634-Hoppe, with SCS (Wiggins)
7. HB 2137-Crump, with SCS (Caskey)
8. HCS for HB 1717, with SCS (Gibbons) (In Budget Control)
9. HS for HCS for HB 1868-Barry (Kennedy)
10. HS for HB 1594-Gratz, with SCS (Rohrbach)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al, with SCS (pending)
SB 647-Goode, with SCS (pending)
SB 651-Singleton and Russell, with SCS (pending)
SB 659-House and Kenney, with SS#2, SA 3 and SSA 1 for SA 3 (pending)
SB 660-Westfall, et al, with SCS (pending)
SB 668-Bentley, with SS & SA 1 (pending)
SB 689-Gibbons, et al, with SCS
SB 696-Cauthorn, et al
SB 735-Steelman and Kinder, with SCS
SBs 766, 1120 & 1121-Steelman, with SCS
SB 832-Schneider, with SCS
SB 881-Steelman and Yeckel, with SCS & SS for SCS (pending)
SB 910-Gibbons
SB 912-Mathewson, with SCS, SS for SCS & SA 4 (pending)
SB 926-Kenney, et al, with SCS
SB 938-Cauthorn, et al
SB 971-Klindt, et al, with SCS
SB 1010-Sims

SB 1035-Yeckel
SB 1040-Gibbons, et al, with SCS
SB 1046-Gross and House, with SCS (pending)
SB 1052-Sims, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SBs 1063 & 827-Rohrbach and Kenney, with SCS, SS for SCS & SA 3 (pending)
SB 1087-Gibbons, et al, with SCS
SB 1099-Childers, with SCS
SB 1100-Childers, et al, with SS and SA 3 (pending)
SB 1103-Westfall, et al, with SA 2 (pending)
SB 1105-Loudon
SB 1111-Quick, with SCS
SB 1133-Gross, with SCS
SB 1157-Klindt, with SCS
SB 1195-Steelman, et al
SB 1205-Yeckel
SB 1206-Bentley and Stoll
SJR 23-Singleton, with SS, SA 1 & SSA 1 for SA 1 (pending)

HOUSE BILLS ON THIRD READING

HCS for HBs 1150, 1237 & 1327, with SCS & SS for SCS (pending) (Gibbons)
HCS for HB 1216, with SCS (Singleton)
HCS for HBs 1344 & 1944, with SCS & SA 6 (pending) (Caskey)
HB 1406-Barnett, with SCS (Klindt)
HCS for HB 1425, with SCS (House)
HS for HB 1455-O'Toole, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending) (Gross)
HS for HCS for HBs 1461 & 1470-Seigfreid, with SCS (Yeckel)
HBs 1489 & 1850-Britt, with SCS, SS for SCS & SA 5 (pending) (Steelman)
HS for HB 1498-Johnson (90), with SCS (Sims)
HB 1600-Treadway, with SS & SA 3 (pending) (Mathewson)
HS for HCS for HB 1650-Hoppe, with SCS (Steelman)
HS for HCS for HBs 1654 & 1156-Hosmer, with SCS (Caskey)
HB 1679-Crump, with SCS & point of order (Sims)
HS for HCS for HB 1756-Reid, with SS, SS for SS, SA 1 & SSA 1 for SA 1 (pending) (Klarich)
HCS for HB 1817, with SCS (Bentley)
HB 1869-Barry (Klarich)
HS for HCS for HB 1906-Green (73), with SCS & SS for SCS (pending) (Kenney)
HS for HB 1994-Hosmer, with SA 1 & SA 2 to Part I of SA 1 (pending) (Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al, with SCS (pending) (Coleman)

HB 1085-Mays (50) (Quick)

HB 1643-Holand and Barry (Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson, with HCS

SB 856-Russell, with HS for HCS, as amended

SCS for SB 1212-Mathewson, with HCS

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 670 & 684-Sims, with HS for HCS, as amended

SCS for SB 680-Bland, with HS for HCS, as amended

SCS for SBs 915, 710 & 907-Westfall, et al, with HS, as amended

SS for SCS for SBs 969, 673 & 855-Westfall, with HS#2 for HCS, as amended

SS for SS for SCS for SBs 970, 968, 921, 867, 868 & 738-Westfall, with HS for HCS, as amended

SS#2 for SCS for SBs 984 & 985-Steelman, with HS, as amended

SCS for SBs 1061 & 1062-Rohrbach and Kenney, with HS for HCS, as amended

SCS for SBs 1086 & 1126-DePasco & Quick, with HCS (Senate adopted CCR and passed CCS)
SB 1220-Sims, with HS, as amended (Further conference granted)
SS for SB 1248-Mathewson, with HS for HCS, as amended
HBs 1270 & 2032-Gratz, with SS for SCS, as amended (Westfall)
HB 1313-Burton, with SCS (Foster) (House adopted CCR and passed CCS)
HB 1348-Myers, et al, with SS#2 for SCS, as amended (Foster)
HB 1402-Burton, et al, with SCS, as amended (Steelman)
HB 1446-Luetkenhaus, with SS#2 for SCS, as amended (Kenney)
HB 1712-Monaco, et al, with SS for SCS, as amended (Klarich)
HB 1748-Ransdall, with SS, as amended (Steelman)
HCS for HB 1898, with SS for SCS (Goode)
HS for HCS for HB 1962-Monaco, with SS for SCS, as amended (Klarich)

Requests to Recede or Grant Conference

SS for SCS for SBs 837, 866, 972 & 990-Cauthorn, with HCS, as amended (Senate requests House recede or grant conference)
SS for SCS for SBs 923, 828, 876, 694 & 736-Sims, with HS for HCS, as amended (Senate requests House recede or grant conference)
HB 1953-Van Zandt, et al, with SCS, as amended (Singleton) (House requests Senate recede or grant conference)

RESOLUTIONS

SR 1026-Jacob, with SA 1 (pending)
SCR 41-Rohrbach, with HCS
SR 1805-Schneider, et al

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1

MISCELLANEOUS

REMONSTRANCE 1-Caskey

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