

# Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SECOND DAY—THURSDAY, APRIL 29, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Cast your burden on the Lord, and he will sustain you; he will never permit the righteous to be moved.” (Psalm 55:22)

Heavenly Father, we are so mindful of the burdens we are carrying and how heavily they weigh us down at times, especially when nights become long and difficult and we seem to get so little done. So we pray that You will sustain us and permit us to continue to do what is right and best for the people of Missouri and never be moved from that. 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 the Associated Press were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bartle            Bland            Bray            Callahan

Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator Stoll—1

President Pro Tem Kinder assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HS** for **HCS** for **HB 1207**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans’ Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans’ Affairs and Elections, to which was referred **HS** for **HB**

**1193**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1278**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 1209**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 1074** and **1129**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1439**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler assumed the Chair.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1617**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1664**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 1511**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 1221** and **1305**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

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

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

David W. Ansley, as a member of the Missouri Southern State University-Joplin Board of Regents;

Also,

Leon Kreisler, as a member of the State Soil and Water Districts Commission;

Also,

Debbie K. Vandevender, as a member of the Missouri Training and Employment Council;

Also,

Stephen W. Terry, Jr., as student

representative of the Northwest Missouri State University Board of Regents;

Also,

Danny D. Opie, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Marion Spence Pierson, M.D., as a member of the Missouri Health Facilities Review Committee;

Also,

Linda Sher, as a member of the Missouri State Advisory Council on Pain and Symptom Management;

Also,

Andrew J. Bettman, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Thomas J. Mangogna, as a member of the Advisory Committee on Lead Poisoning;

Also,

Jo Ann Freeman, as a member of the Board of Police Commissioners-St. Louis City;

Also,

Burton A. Boxerman, as a member of the Second State Capitol Commission;

Also,

Patricia A. Lepp, as a member of the Missouri Dental Board;

Also,

Kristin M. Perry, as a member of the Clean Water Commission of the State of Missouri;

Also,

George E. Walley, Jr., as a member of the Mississippi River Parkway Commission;

Also,

Rosalyn Schultz, Ph.D., Gilbert L. Alderson and Karen L. Berding, as members of the Child Abuse and Neglect Review Board;

Also,

Norma B. Clayton, as a member of the Linn State Technical College Board of Regents;

Also,

Tia Marie Strait, as a member of the Advisory Commission for Dental Hygienists;

Also,

Debra Foster Greene, Ph.D., as a member of the Unmarked Human Burial Consultation Committee;

Also,

Rosemary G. Hogan, as a member of the Missouri Board for Respiratory Care;

Also,

Linward Appling, as a member of the Public Service Commission;

Also,

James Timothy Eck, as a member of the Missouri State Committee of Interpreters;

Also,

Earl Wilson, Jr., as a member of the Coordinating Board for Higher Education;

Also,

Kathy Conley Jones, as a member of the Missouri Investment Trust;

Also,

Karen C. Warren, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals;

Also,

Lois Riney, as public member of the State Board of Podiatric Medicine;

Also,

Kerri Beth M. McBee-Black, as a member of the Missouri Women's Council;

Also,

Donald Vanderfeltz, as a member of the State

Board of Optometry;

Also,

Cynthia Jane Brinkley, as a member of the Harris-Stowe State College Board of Regents;

Also,

Thomas J. Pfeiffer, as a member of the Petroleum Storage Tank Insurance Fund;

Also,

James K. Reinhard, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Tjitski "Tish" Gay Tubbergen-Maglio and Darryl E. Knopf, as members of the Missouri Real Estate Appraisers Commission;

Also,

Diana G. Fendya, R.N., M.S.N., and Robert S. Arnold, as members of the Missouri Emergency Response Commission;

Also,

Kenneth E. Clark, as a member of the Missouri State Board of Accountancy;

Also,

Aaron J. Vickar, as a member of the Missouri State Employees' Voluntary Life Insurance Commission;

Also,

Elaina M. Wolzak, as a member of the Missouri State Board of Pharmacy;

Also,

Linda J. Picou, as a member of the Workers' Compensation Determination Review Board;

Also,

Vicki L. Groce, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Ronald A. Battelle, as a member of the Peace Officer Standards and Training Commission;

Also,

Anne B. Schmidt, as a member of the Missouri Housing Development Commission;

Also,

Elizabeth M. "Betty" Linke, as a member of the State Fair Commission;

Also,

Jane L. VanSant, as a member of the Missouri Acupuncturist Advisory Committee;

Also,

Karl Zobrist, as a member of the Kansas City Board of Police Commissioners;

Also,

George R. Rose, as a member of the Platte County Board of Election Commissioners;

Also,

Davis D. Minton, as a member of the Clean Water Commission;

Also,

Joseph H. Collision, as Chairman and member of the Platte County Board of Election Commissioners;

Bruce E. Davis, as a member of the State Tax Commission.

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

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

President Pro Tem Kinder assumed the Chair.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HB 1453**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler assumed the Chair.

## RESOLUTIONS

Senator Yeckel moved that **SR 1451** be taken up for adoption, which motion prevailed.

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

### SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1451 as it appears in the Senate Journal, March 3, 2004, Page 520, Column 2, Lines 12, 15, 20 and 27, by inserting after the word “violent” the following: **“and other”**.

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

On motion of Senator Yeckel, **SR 1451**, as amended, was adopted.

## CONCURRENT RESOLUTIONS

Senator Griesheimer moved that **SCR 47** be taken up for adoption, which motion prevailed.

Senator Griesheimer offered **SS** for **SCR 47**:

### SENATE SUBSTITUTE FOR

#### SENATE CONCURRENT RESOLUTION NO. 47

WHEREAS, Missouri has a long tradition of providing funding for multimodal transportation services; and

WHEREAS, multimodal transportation services are a tool for economic development, mobility and congestion relief; and

WHEREAS, Missouri citizens directly benefit from multimodal transportation services; and

WHEREAS, recent state budget woes have forced personnel cuts, the elimination of promotional funds, and the implementation of a \$5 ticket surcharge to supplement insufficient state appropriations for passenger rail services; and

WHEREAS, other multimodal transportation services, such as MetroLink and OATS, face financial shortfalls during tight budgetary times; and

WHEREAS, mass transit systems are looking into fare increases in order to balance their budgets; and

WHEREAS, total state multimodal program funding for aviation, passenger rail, waterways, and transit has decreased from

approximately \$25 million in fiscal year 2000 to \$16 million in fiscal year 2004; and

WHEREAS, there is a strong desire to stabilize and improve multimodal transportation services in Missouri in order to alleviate and enhance the mobility of people, goods, and freight; and

WHEREAS, according to the U.S. Department of Transportation, a multimodal transportation approach offers the promise of:

1. Lowering overall transportation costs by allowing each mode to be used for the portion of the trip to which it is best suited;
2. Increasing economic productivity and efficiency, thereby enhancing the nation's global competitiveness;
3. Reducing congestion and the burden on overstressed infrastructure components;
4. Generating higher returns from public and private infrastructure investments;
5. Improving mobility for the elderly, disabled, isolated, and economically disadvantaged; and
6. Reducing energy consumption and contributing to improved air quality and environmental conditions.

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the “Joint Interim Committee on Multimodal Transportation Services”; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of five members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; five members of the House of Representatives, appointed by the Speaker of the House of Representatives, of which at least two shall be members of the minority party; one representative from the Missouri Division of Tourism; the Commissioner of the Missouri Office of Administration or the Commissioner's representative; a representative from the Kansas City Transportation Authority; a representative from Metro; a representative from a Missouri Port Authority; a representative from the Multimodal Operations Unit of the Missouri Department of Transportation; a representative from OATS; a representative from Amtrak; a representative from Union Pacific Railroad; and the mayor or the mayor's appointee of each community along the passenger rail route between St. Louis and Kansas City directly serviced by such passenger railroad service; and

BE IT FURTHER RESOLVED that the Committee shall make a comprehensive analysis of Missouri's multimodal transportation services and shall:

- (1) Create a long-term vision for state supported multimodal transportation services in Missouri;

(2) Formulate multimodal transportation policies and strategies that will place Missouri in a proactive position with regard to Missouri's future transportation challenges and opportunities;

(3) Explore how Missouri can better regulate and connect the various modes of transportation into a united system;

(4) Provide recommendations of how to reduce dependence on state general revenue support by increasing efficiencies, exploring dedicated funding sources, and by establishing local community support requirements;

(5) Provide recommendations of how to establish public/private partnerships with railroads to complete infrastructure improvements that will reduce track congestion and improve on-time performance of trains;

(6) Provide recommendations of how to increase utilization of multimodal services through the stabilization of services, increased promotional efforts, and service improvements; and

(7) Review and explore any other issues the Committee deems relevant to the issue of improving multimodal transportation services; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Joint Committee on Legislative 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 Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the appointed members of the joint interim committee be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 15, 2005, and that the authority of said Committee shall terminate on said date.

Senator Griesheimer moved that **SS for SCR 47** be adopted.

Senator Griesheimer offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Concurrent Resolution No. 47, Page 2, Line 24, of said page, by inserting after "party;" the following:

"and"; and further amend lines 27-28, of said page, by striking "one representative from the Missouri Division of Tourism; the Commissioner of the Missouri Office of"; and

Further amend said resolution, page 3, lines 1-10, by striking "Administration or the Commissioner's representative; a representative from the Kansas City Transportation Authority; a representative from Metro; a representative from a Missouri Port Authority; a representative from the Multimodal Operations Unit of the Missouri Department of Transportation; a representative from OATS; a representative from Amtrak; a representative from Union Pacific Railroad; and the mayor or the mayor's appointee of each community along the passenger rail route between St. Louis and Kansas City directly serviced by such passenger railroad service;".

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

Senator Griesheimer moved that **SS for SCR 47**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCR 47**, as amended by the Senate Substitute, was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Champion      Jacob—2

Absent with leave—Senators

Bland      Stoll—2

**THIRD READING OF SENATE BILLS**

**SCS for SB 1196**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1196**

An Act to repeal sections 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo, and to enact in lieu thereof nine new sections relating to fireworks regulations, with penalty provisions.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SCS for SB 1196** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Jacob	Russell—2
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Absent with leave—Senators

Bland	Stoll—2
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The President declared the bill passed.

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

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

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

**SCS for SB 1096**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1096**

An Act to amend chapter 700, RSMo, by

adding thereto fifteen new sections relating to regulating the installation of manufactured homes, with penalty provisions.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SCS for SB 1096** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland	Stoll—2
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The President declared the bill passed.

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

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

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

**SB 1153**, introduced by Senator Cauthorn, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing.

Was taken up.

On motion of Senator Cauthorn, **SB 1153** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Griesheimer

Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Yeckel—27	

## NAYS—Senators

Bray	Dougherty	Gibbons	Goode
Wheeler—5			

## Absent—Senators—None

## Absent with leave—Senators

Bland	Stoll—2
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The President declared the bill passed.

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

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

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

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, entitled:

An Act to repeal sections 21.810, 32.057, 173.196, 173.796, 620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof fifteen new sections relating to tax credits, with penalty provisions.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, section 135.805, page 20, line 11, by inserting the following after all of said line:

**“Any business existing in an enterprise zone under section 135.215 on the effective date of**

**this section shall recertify for the abatement and exemption. Effective August 28, 2004, any abatement or exemption provided for in section 135.215 on an individual parcel of real property shall cease after a period of thirty days of business closure, work stoppage, major reduction in force, or a significant change in the type of business conducted at that location. For the purposes of this subsection, “work stoppage” shall not include strike or lockout or time necessary to retool a plant, and “major reduction in force” is defined as a seventy-five percent or greater reduction. Any owner or new owner may reapply, but cannot receive the abatement or exemption for any period of time beyond the original life of the enterprise zone.”.**

In which the concurrence of the Senate is respectfully requested.

### HOUSE BILLS ON THIRD READING

**HCS** for **HBs 795, 972, 1128** and **1161**, with **SCS**, entitled:

An Act to repeal sections 49.272, 49.650, 50.339, 50.515, 64.520, 64.805, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, and 479.020, RSMo, and to enact in lieu thereof eighteen new sections relating to county government, with penalty provisions.

Was taken up by Senator Childers.

**SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 795, 972, 1128 and 1161

An Act to repeal sections 49.272, 49.650, 50.339, 50.515, 50.740, 52.271, 64.520, 64.805, 67.793, 67.799, 67.1706, 67.1754, 137.720, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, 479.020, 493.050, and 644.032, RSMo, and to enact in lieu thereof thirty-five new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for a certain section.



Was taken up.

Senator Childers moved that **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161** be adopted.

Senator Childers offered **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 795, 972, 1128 and 1161

An Act to repeal sections 49.272, 49.650, 50.515, 50.339, 50.740, 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805, 64.825, 67.402, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.799, 67.1706, 67.1754, 137.100, 137.720, 144.030, 144.615, 144.757, 144.759, 193.265, 221.070, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010, 475.275, 479.020, 493.050, and 644.032, RSMo, and to enact in lieu thereof fifty-two new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for certain sections.

Senator Childers moved that **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161** be adopted.

Senator Bartle assumed the Chair.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 115, Section 304.010, Line 21, of said page, by inserting after "speed." the following: **"The maximum speed limit set by the county commission of any county of the second, third, or fourth classification for any road under the commission's jurisdiction shall not exceed fifty-five miles per hour if such road is properly marked by signs indicating such speed limit. If the county commission does not mark the roads with signs indicating the speed limit, the speed limit shall be fifty miles per hour."**

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

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 25, Section 67.799, Line 16, by inserting after the following:

"67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

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

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) “Director of revenue”, the director of the department of revenue of the state of Missouri;

(6) “District”, a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) “Election authority”, the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) “Municipal clerk”, the clerk of the municipality;

(9) “Municipality”, any city located in a county of the first classification or second classification, **any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants**, any city not within a county and any county;

(10) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) “Owner”, for real property, the individual or individuals or entity or entities who own the fee of real property or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) “Per capita”, one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety or tenants in partnership;

(13) “Petition”, a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) “Qualified voters”,

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property which is not exempt from assessment or levy of taxes by the district and which is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, of the thirtieth day prior to the date of the applicable election; and

(15) “Registered voters”, persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election.”; and

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

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

Senator Gibbons offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 70, Section 67.2535, Line 16, of said

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

**“70.225. 1. Notwithstanding the provisions of section 70.600, to the contrary, a centralized emergency dispatching system created by a joint municipal agreement pursuant to section 70.220, existing within a county of a the first classification with a charter form of government with more than one million inhabitants, may be considered a political subdivision for the purposes of sections 70.600 to 70.755, and employees of the centralized emergency dispatching system shall be eligible for membership in the Missouri local government employees' retirement system upon the centralized emergency dispatching system becoming an employer as defined in subdivision (11) of section 70.600.**

**2. Any political subdivision participating in a centralized emergency dispatching system granted membership pursuant to subsection 1 of this section, shall be subject to the delinquent recovery procedures pursuant to section 70.735, for any contribution payments due the system. Any political subdivision withdrawing from membership shall be subject to payments for any unfunded liabilities existing for its past and current employees. Any political subdivision becoming a new member shall be subject to the same terms and conditions then existing including liabilities in proportion to all participating political subdivisions.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Nodler assumed the Chair.

Senator Steelman offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 25, Section 67.799, Line 16, of said

page, by inserting immediately after said line the following:

“67.1360. The governing body of:

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than

three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less

than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a

township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants; [or]

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

**(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants; or**

**(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;**

may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 70, Section 67.2535, Line 16, by inserting after all of said line the following:

“82.291. 1. For purposes of this section, “derelict vehicle” means any motor vehicle or trailer that was originally designed or manufactured to transport persons or property on a public highway, road, or street and that is junked, scrapped, dismantled, disassembled, or in a condition otherwise harmful to the public health, welfare, peace, and safety.

2. The owner of any property located in any home rule city with more than twenty-six thousand two hundred but less than twenty-six thousand three hundred inhabitants, except any property subclassed as agricultural and horticultural property pursuant to section 4(b), article X, of the Constitution of Missouri or any property containing any licensed vehicle service or repair facility, who permits derelict vehicles or substantial parts of derelict vehicles to remain on the property other than inside a fully enclosed permanent structure designed and constructed for vehicle storage shall be liable for the removal of the vehicles or the parts if they are declared to be a public nuisance.

3. To declare derelict vehicles or parts of derelict vehicles to be a public nuisance, the governing body of the city shall give a hearing upon ten days' notice, either personally or by United States mail to the owner or agent, or by posting a notice of the hearing on the property. At the hearing, the governing body may declare the vehicles or the parts to be public nuisances, and may order the nuisance to be removed within five business days. If the nuisance is not removed

within the five days, the governing body or the designated city official shall have the nuisance removed and shall certify the costs of the removal to the city clerk or the equivalent official, who shall cause a special tax bill for the removal to be prepared against the property and collected by the collector with other taxes assessed on the property, and to be assessed any interest and penalties for delinquency as other delinquent tax bills are assessed as permitted by law.

4. The provisions of this section shall terminate on August 28, [2004] **2008.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 101, Section 144.759, Line 9, of said page, by inserting after all of said line the following:

“190.300. As used in sections 190.300 to 190.320, the following terms and phrases mean:

(1) “Emergency telephone service”, a telephone system utilizing a single three digit number “911” for reporting police, fire, medical or other emergency situations;

(2) “Emergency telephone tax”, a tax to finance the operation of emergency telephone service;

(3) “Exchange access facilities”, all facilities provided by the service supplier for local telephone exchange access to a service user;

(4) “Governing body”, the legislative body for a city, county or city not within a county;

(5) “Person”, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state

department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;

(6) “Public agency”, any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;

(7) “Service supplier”, any person providing exchange telephone services to any service user in this state;

(8) “Service user”, any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who is provided exchange telephone service in this state;

(9) “Tariff rate”, the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, approved by the Missouri public service commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;

**(10) “Wireless service supplier”, any person providing wireless telephone services to any wireless service user in this state;**

**(11) “Wireless service user”, any person who uses a wireless telephone service in this state. For the purposes of sections 190.300 to 190.320, any imposition of a tax shall be in accordance with the Federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.**

**190.304. 1. In addition to its other powers for the protection of the public health, a governing body of a county or a city not within a county may, by a majority vote of its members, choose to submit to a vote of the qualified voters of the county or a city not**

within a county a ballot containing either of the three proposals pursuant to subdivisions (1), (2), or (3) of this subsection to provide for the operation of an emergency telephone service. In no case shall a governing body be permitted to enact more than one provision of subdivisions (1), (2), or (3) of this subsection, whether in simultaneous elections or by separate elections. The taxes authorized pursuant to this subsection shall be in lieu of any tax authorized and adopted pursuant to sections 190.325 to 190.329; any tax adopted pursuant to sections 190.325 to 190.329 shall be repealed if any tax authorized pursuant to this subsection is adopted. If the governing body so chooses, by a majority vote of its members, it may submit:

(1) A proposition to the qualified voters of the county or a city not within a county to levy a tax for each access line or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county. The tax rate in the proposition to the voters per device which has an assigned mobile identification number containing an area code assigned to Missouri shall be as follows: If the average wired rate is greater than eighty cents, one dollar; if the average wired rate is greater than twenty cents but less than eighty-one cents, twenty-five cents; if the average wired rate is less than twenty-one cents, twelve cents. For the purpose of this subdivision, the term “wired rate” means the average levied tax per line for wire lines in such county or such city not within a county in the current year based on the tax on the tariff rate authorized in section 190.305. If a majority of the qualified voters of the county or a city not within a county adopt the provision in this subdivision, such tax shall be in addition to the tax authorized pursuant to section 190.305;

(2) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to sixty cents per month on each access line user or device which has an

assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county, plus a tax of up to sixty cents per access line per month for wired telephone services in such county or a city not within a county. The taxes authorized pursuant to this subdivision shall not exceed sixty cents and shall be equal to one another; or

(3) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to sixty cents per month on each access line user or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county.

2. The taxes collected pursuant to this section shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body and shall include for reimbursement of the actual cost of providing wireless enhanced 911 services by the wireless service provider, but shall not exceed an amount equal to a maximum rate of twenty-five percent of the total tax collected from the wireless subscriber. Reimbursement to the wireless service provider for the actual cost includes services as defined by the Federal Communications Commission orders and 47 CFR 20.18(d). Those services shall include hardware and software components and functionalities that precede the 911 selective router, including trunks from the wireless service provider's mobile switching center to the 911 selective router, and the particular database, interface devices, and trunks needed to deliver data to the public safety answering point. Collection of such taxes shall not begin prior to twelve months before the operation upgraded to facilities which implement phase I enhanced 911 services as described in Federal

Communications Docket 94-102, or in counties which do not have a functioning emergency telephone service and dispatch center the collection of such taxes shall not begin prior to twenty-seven months before operation of such emergency telephone service and dispatch center.

3. Any county or city not within a county which has not implemented service pursuant to the requirements of subsection 2 of this section shall immediately cease collection of such tax, and if the county or city not within a county fails to implement such service within twelve months thereafter, the governing body of such county or city not within a county shall remit all taxes collected pursuant to this section to the state treasurer to be deposited in the 911 emergency services fund created pursuant to section 190.312.

4. Every billed service user or wireless service user is liable for the taxes until it has been paid to the service supplier.

5. The duty to collect the tax from a service user or wireless service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier or wireless service supplier shall be added to and shall be stated separately in the billings to the service user or wireless service user.

6. Nothing in this section imposes any obligation upon a service supplier or wireless service supplier to take any legal action to enforce the collection of the tax imposed by this section unless the charges for wireless service are unpaid. The service supplier or wireless service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users or wireless service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the wire line or wireless service in accordance with the

regular billing practice of the service supplier.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services.

9. Beginning three years after the enactment of this section, and biennially thereafter, the office of administration, division of information services, shall review, over a period of three months, the adequacy of, inadequacy of, or surplus produced by revenue generated from the levy intended to meet the actual costs to the county and the wireless service provider for 911 services as established in sections 190.300 to 190.312, 190.335 and 190.430, and sections 650.320 and 650.330, RSMo. The review shall result in a report to the governor, general assembly, and the local governing authority. The report shall include, but not be limited to: an analysis of the total revenue; the revenue apportioned to the county and to the carrier for providing services; the costs to the county for providing services; a review of the carrier's billings and compliance with areas of reimbursement recovery as it is defined in subsection 2 of this section; and make recommendations, including but not limited to, increasing or decreasing the levy to reflect costs.

190.305. 1. In addition to its other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is



greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the county commission authorizing an election within the public agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the county commission authorized the election for emergency telephone service and a vote was held as provided in section 190.320. The governing body shall provide for a board pursuant to sections 190.327 and 190.328.

2. The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body **and for no other purpose**, and may be levied at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body, but collection of such tax shall not begin prior to twenty-seven months before operation of the emergency telephone service and dispatch center.

3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or their equivalent per person per location.

4. Every billed service user is liable for the tax until it has been paid to the service supplier.

5. The duty to collect the tax from a service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax

required to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

6. Nothing in this section imposes any obligation upon a service supplier to take any legal action to enforce the collection of the tax imposed by this section. The service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

**8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services.”; and**

Further amend said bill, Section 190.306, Page 101, Line 18 of said page, by inserting after all of said line the following:

“190.310. 1. The [tax] **taxes** imposed by sections 190.300 to 190.320 and the amounts required to be collected are due [quarterly] **monthly**. The amount of [tax] **taxes** collected in one [calendar quarter] **month** by the service supplier **or wireless service supplier** shall be remitted to the governing body no later than [sixty] **thirty** days after the close of a [calendar quarter] **month**. On or before the [sixtieth] **thirtieth** day of each [calendar quarter] **month** following, a return for the preceding [quarter] **month** shall be filed with the governing body in such form as the governing body and service supplier **or wireless**

**service supplier** shall agree. The service supplier **or wireless service supplier** will include the list of any service user **or wireless service user** refusing to pay the [tax] **taxes** imposed by sections 190.300 to 190.320 with each return filing. The service supplier **or wireless service supplier** required to file the return shall deliver the return, together with a remittance of the amount of the [tax] **taxes** collected under the provisions of sections 190.300 to 190.320. The records shall be maintained for a period of one year from the time the [tax] **taxes** is collected.

2. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier **or wireless service supplier** required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

3. **Every remittance to the governing body which is not paid within thirty days of the due date thereof by the service supplier or wireless service provider shall accrue interest at the rate of one percent per month for which such payment is overdue.**

4. **Nothing in this section shall prevent the governing body and the service supplier or wireless service supplier from entering into an agreement for an alternate remittance schedule which in no event shall require payments less frequently than quarterly.**

5. **For any county collecting the tax authorized pursuant to section 190.305, at least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by sections 190.300 to 190.320. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in sections 190.300 to 190.320. Immediately upon making its determination and fixing the rate, the**

governing body shall publish in its minutes the new rate, and it shall notify by mail every service supplier registered with it of the new rate. The governing body may require an audit of the service supplier's books and records concerning the collection and remittance of the tax authorized by sections 190.300 to 190.320.

**6. Twenty percent of the taxes collected pursuant to any tax levied for wireless services pursuant to section 190.304, subject to the provisions of subsection 7 of this section, shall be collected by the governing body of the county or city not within a county levying the tax and forwarded each quarter to the department of revenue to be deposited in the 911 emergency services fund, which is created pursuant to section 190.312.**

7. **When at least sixty percent of the counties comprising at least seventy-five percent of the population in this state have enacted a tax pursuant to this section, the percentage of such taxes being deposited in the 911 emergency services fund shall be reduced from twenty percent to ten percent, and two calendar years after the office of administration verifies passage of the tax authorized pursuant to section 190.304 in ninety percent of the counties in the state, the percentage deposited in the 911 emergency services fund shall be eliminated.**

**190.312. 1. There is hereby created in the state treasury the "911 Emergency Services Fund", which shall consist of moneys collected pursuant to subsection 6 of section 190.310. The fund shall be administered by the office of administration in consultation with the department of public safety.**

**2. Cost for administering such programs created pursuant to this section shall be paid from the 911 emergency services fund.**

**3. Other than costs for administration, moneys in the fund shall be used solely for matching grants to counties or a city not within a county for the purpose of implementation of a comprehensive statewide 911 system.**

**4. Only counties or a city not within a county which have authorized a tax pursuant to section 190.304 shall be eligible to receive grants from the 911 emergency services fund.**

**5. Any county or city not within a county receiving a grant pursuant to this section shall be required to match at least twenty-five percent of such grant with local funds.**

**6. No county or city not within a county shall receive grants in excess of five percent of the total funds available in any fiscal year or receive grants for longer than three consecutive years.**

**7. Grants may be made on a collective basis to counties which enter into an inter-county agreement to provide services.**

**8. The office of administration shall promulgate rules for the implementation and administration of grants from the 911 emergency services fund.**

**9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.**

**10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**

**11. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the**

**fund.**

190.335. 1. In lieu of the tax levy authorized under section **190.304** or 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as “emergency services”, and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

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 the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to

authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission

shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

190.430. [1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated

pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points

providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8.] Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is

caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.”; and

Further amend said bill, Page 126, Section 644.032, Line 18 of said page, by inserting after all of said line the following:

“650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

**(1) “911”, the primary emergency telephone number within the wired and wireless telephone system;**

[(1)] **(2)** “Committee”, the advisory committee for 911 service oversight established in section 650.325;

[(2)] **(3)** “Public safety answering point”, the location at which 911 calls are initially answered;

[(3)] **(4)** “Telecommunicator”, any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.330. 1. The committee for 911 service oversight shall consist of sixteen members, one of which shall be chosen from the department of public safety who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to counties;

(2) One member chosen to represent the Missouri public service commission;

(3) One member chosen to represent emergency medical services;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;

(9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

(10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;

(11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;

(12) One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri;

(13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;

(14) One member chosen to represent a professional association of physicians who conduct

with emergency care; and

(15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers.

2. Each of the members of the committee for 911 service oversight shall be appointed by the governor with the advice and consent of the senate for a term of four years; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years. Members of the committee may serve multiple terms.

3. The committee for 911 service oversight shall meet at least quarterly at a place and time specified by the chairperson of the committee and it shall keep and maintain records of such meetings, as well as the other activities of the committee. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the committee.

4. The committee for 911 service oversight shall:

(1) Organize and adopt standards governing the committee's formal and informal procedures;

(2) Provide recommendations for primary answering points and secondary answering points on statewide technical and operational standards for 911 services;

(3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;

(4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that such committee shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the

general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; [and]

**(9) Advise the department of public safety and the office of administration regarding the implementation of Federal Communications Docket 94-102 or any subsequent orders on the same or similar subjects;**

**(10) Advise the department of public safety and the office of administration on the administration of grants from the 911 emergency services fund created pursuant to section 190.312, RSMo, for the purpose of implementing comprehensive statewide 911 services; and**

[(9)] (11) Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections 650.320 to 650.340.

5. The department of public safety shall provide staff assistance to the committee for 911 service oversight as necessary in order for the committee to perform its duties pursuant to sections 650.320 to 650.340.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the

grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.”; and

Further amend said bill, Page 140, Section 67.493, Line 51 of said page, by inserting after all of said line the following:

“[190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

(1) “911”, the primary emergency telephone number within the wireless system;

(2) “Board”, the wireless service provider enhanced 911 advisory board;

(3) “Public safety agency”, a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

(4) “Public safety answering point”, the location at which 911 calls are initially answered;

(5) “Wireless service provider”, a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq.)]

[190.410. 1. There is hereby created in the department of public safety the “Wireless Service Provider Enhanced 911 Advisory Board”, consisting of eight members as follows:

(1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;

(2) The chairperson of the public

service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and

(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for



the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

[ ] YES [ ] NO

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

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the

qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]”]; and

Further amend the title and enacting clause accordingly.

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

Senator Scott offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 3, Section 49.650, Lines 15-16 of said page, by striking the following: “and the health of the general public”.

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

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

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 4, Section 49.650, Line 22, by inserting immediately after all of said line the following:

**“5. No county commission may enact an ordinance with regard to agriculture without a vote of the people of such county authorizing the county commission to do so.”.**

Senator Scott moved that the above amendment be adopted.

Senator Russell requested unanimous consent of the Senate for the Senate conferees on **SCS** for **HCS** for **HBs 1002** through **1012** to be allowed to meet while the Senate is in session, which request was granted.

Senator Klindt offered **SSA 1** for **SA 8**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 4, Section 49.650, Line 22, by inserting immediately after all of said line the following:

**“5. No county commission may enact an ordinance with regard to agriculture operations.”.**

Senator Klindt moved that the above substitute amendment be adopted.

At the request of Senator Klindt, **SSA 1** for **SA 8** was withdrawn.

Senator Klindt offered **SSA 2** for **SA 8**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 4, Section 49.650, Line 22, by inserting immediately after all of said line the following:

**“5. No county commission may enact an ordinance with regard to agriculture operations. Any zoning adopted by any county prior to the August 28, 2004 shall be exempt from the provisions of this subsection.”.**

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

Senator Kinder offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 126, Section 1, Line 23, by inserting after all of said line the following:

**“Section 2. The Board of Fund Commissioners shall determine whether any governmental entity has sufficient fund balances to redeem leasehold revenue bonds obligated pursuant to a federal court desegregation action. If the board of fund commissioners determines that any**

**governmental entity has sufficient fund balances to redeem or otherwise pay off such leasehold revenue bonds, the state board of education shall certify, pursuant to 160.415.2(5) that no amount is needed by such governmental entity to repay such bonds.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 10**:

**SENATE AMENDMENT NO. 10**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 117, Section 304.010, Line 21, of said page, by inserting immediately after said line the following:

“393.760. 1. The commission shall, in accordance with the provisions of chapter 115, RSMo, order an election to be held whereby the qualified electors in each contracting municipality participating in the project shall approve or disapprove the issuance of the bonds as provided for in the resolution of the commission. The commission may not order such an election until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings.

2. The commission shall notify the election authority or authorities responsible for conducting elections within each contracting municipality participating in the project in accordance with chapter 115, RSMo.

3. The question shall be submitted in substantially the following form:

**OFFICIAL BALLOT**

Should a resolution to approve the issuance of revenue bonds by the joint municipal (water) (sewer) (power) (gas) commission in an amount not to exceed \$..... for the purpose of ..... be approved?

Yes

No

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

4. If the resolution to issue the bonds is approved by at least a majority of the qualified electors voting thereon in each of the contracting municipalities participating in the project, the commission shall declare the result of the election and cause the bonds to be issued.

5. The municipalities participating in the project shall bear all expenses associated with the elections in such contracting municipalities.

**6. In lieu of the public voting procedure set forth in subsections 1 to 5 of this section, in the case of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the approval of three-quarters of all governing bodies of the contracting municipalities. The commission may not order such a vote until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and**

**engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings. Each contracting municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal water commission in an amount not to exceed a specified amount.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Shields offered **SA 11**:

**SENATE AMENDMENT NO. 11**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 105, Section 221.070, Line 9, of said page, by inserting immediately after said line the following:

“229.340. **1.** Each applicant for a permit under the provisions of sections 229.300 to 229.370 may be required by the county highway engineer to pay a fee in an amount determined by the county commission by order of record, [not to exceed the sum of three dollars for each such application,] which fee is to be paid into a special fund in the county treasury and to be used for the purpose of paying the expenses incident to the provisions of sections 229.300 to 229.370. Any balance on hand in such fund at the end of the fiscal year of such county shall be paid into the special county road and bridge fund of such county.

**2. The special use permit fees imposed by the county shall be calculated and administered using the criteria outlined in sections 67.1840 and 67.1842, RSMo, for the imposition of right-of-way permit fees. The special use permit fee shall not be imposed on a public utility right-of-way user for uses governed by the provisions of sections 67.1830 to 67.1846, RSMo.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 12**, which was read:

**SENATE AMENDMENT NO. 12**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 105, Section 245.015, Line 10, by inserting after “245.015.” the following: “**1.**”; and

Further amend page 107, said section, line 2, by inserting after all of said line, the following:

**“2. The modifications to this section, as enacted by the ninety-second general assembly, second regular session, shall not be construed to enhance or limit the current law, and any interpretation thereof, with regard to where a levee district may or may not be formed within any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants nor any city, town, village or other political subdivision contained therein.”.**

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

Senator Cauthorn offered **SA 13**:

**SENATE AMENDMENT NO. 13**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 117, Section 304.010, Line 21, of said page, by inserting immediately after said line the following:

“393.015. 1. Notwithstanding any other provision of law to the contrary, any [sewer] **water corporation, municipality providing water, or [sewer] any water district** established under the provisions of chapter [249 or 250] **247, RSMo, [or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation, municipality, or public water supply district established under chapter 247, RSMo, to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation, municipality or public water supply district is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation, municipality or public water supply district shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer] shall, upon request of any municipality providing sewer service or public sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, contract with such sewer provider to terminate water services to any water user of such water provider for nonpayment of a delinquent sewer bill owed to such sewer provider.**

2. [A water corporation, municipality, or public water supply district acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to

termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.] **Any water provider, or independent contractor acting for such water provider, disconnecting water service to collect a delinquent sewer charge at the request of a sewer provider pursuant to a water termination agreement made pursuant to this section shall be immune from civil liability for damages or costs resulting from disconnection.**

**3. In the event that any water provider and any sewer provider are unable to reach an agreement as provided in this section within six months of the receipt of such request by the water provider, then the sewer provider making the written request may file with the circuit court in which such water provider was incorporated, or if such water provider was not incorporated by a circuit court, then with a circuit court having jurisdiction of the water provider, a petition requesting that three commissioners be selected to draft such an agreement.**

**4. Any agreement drafted by such commissioners or entered into under the provisions established in this section shall contain the following provisions:**

**(1) The rules and regulations or ordinances of the sewer provider shall provide the number of delinquent days required before water service may be discontinued for failure to pay incurred sewer charges. Such period of time shall be equal to the number of delinquent days required before water service is discontinued for failure to pay incurred water charges as set**

by the water provider;

(2) The water provider shall not be required to discontinue water service to the sewer user for failure to pay the incurred charges or rental due unless the sewer provider shall first provide written notice to the water provider requesting discontinuation of service. The notice shall include the due date, amount of the delinquent bill, and all penalties and interest thereon. When payment of the delinquent amount is received by the water provider, water service shall be restored to the user;

(3) All reasonable expense and cost incurred by the water provider in performing or carrying out the agreement shall be reimbursed to the water provider by the sewer provider;

(4) The sewer provider shall hold the water provider, or any independent contractor who performs or carries out such agreement under contract with the water provider, harmless as a result of the agreement between the sewer provider and water provider or as a result of any claim, litigation, or threatened litigation against the water provider or independent contractor arising in any way from such agreement;

(5) The expense and cost of the water provider shall be recalculated annually, providing for annual increases or decreases in the National Consumers Price Index for All Urban Consumers (CPI-U), unadjusted for seasonal variation, as published by the United States Department of Labor. The amount due the water provider during the subsequent year shall be increased or decreased according to any change occurring in such costs and expenses;

(6) When a water provider is collecting delinquent amounts for both water and sewer service, all delinquent payments due to both the water and sewer provider shall be received by the water provider before water service is restored. If for any reason water service is never restored, any amount collected for delinquent accounts due both water and sewer provider

shall be divided equally between the water provider and the sewer provider.

5. Upon the filing of such petition, the sewer provider shall appoint one commissioner. The water provider shall appoint a commissioner within thirty days of the service of the petition upon it. If the water provider fails to appoint a commissioner within such time period, the court shall appoint a commissioner on behalf of the water provider within forty-five days of service of the petition on the water provider. Such two named commissioners shall agree to appoint a third commissioner within thirty days after the appointment of the second commissioner, but in the event that they fail to do so, the court shall appoint a third commissioner within sixty days after the appointment of the second commissioner.

6. The commissioners shall draft an agreement between the water provider and sewer provider meeting the requirements established in this section. Before drafting such agreement, the water provider and sewer provider shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners, of which each party shall receive fifteen days written notice. The hearing may be continued from time to time by the commissioners. The commissioners shall consider all such evidence and information submitted to them and prepare such agreement as provided herein. Said agreement shall be submitted to the court within ninety days of the selection or appointment of the last commissioner as herein provided.

7. If the court finds that such agreement meets the requirements of this section, then the court shall enter its judgment approving such agreement and order it to become effective sixty days after the date of such judgment. If such agreement does not meet the requirements of this section, the court shall return it to the commissioners with its reasons for rejecting the agreement. The commissioners shall make the required changes and resubmit the agreement

to the court. Upon approval of the agreement by the court, judgment shall be entered approving the agreement and ordering it to become effective sixty days after the date of such judgment. Thereafter, the parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing such judgment.

8. The judgment and order of the court shall be subject to appeal as provided by law. All costs, including commissioners' compensation, shall be taxed to and paid by the sewer provider requesting an agreement. The court shall also order payment of a reasonable attorney fee and fees of expert witnesses of the water provider by the sewer provider to the water provider.

393.016. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation shall discontinue water service until such time as the sewer charges and all related costs of

termination and reestablishment of sewer and water services are paid by the customer.

2. A water corporation acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 3, Section 49.650, Line 17, of said page, by inserting after at the end of said line the following: “Nothing in this paragraph shall be construed to allow a noncharter county to adopt an ordinance or resolution regulating the sale or display at any retail outlet of any drug having an active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.”.

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

Senator Dolan offered SA 15:

## SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 15, Section 64.805, by striking all of said section and by inserting in lieu thereof the following:

“64.825. The county planning commission may also prepare, with the approval of the county commission, as parts of the official master plan or otherwise, sets of regulations governing subdivisions of land in unincorporated areas, and amend or change same from time to time as herein provided, which regulations may provide for the proper location and width of streets, building lines, open spaces, safety, recreation, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may also include the extent to which and the manner in which streets shall be graded and improved, and the extent to which water, sewer and other utility services shall be provided, to protect public health and general welfare. Such regulations may provide that in lieu of the immediate completion or installation of the work, the county planning commission may accept bond for the county commission in the amount and with surety **or other form of security** and conditions satisfactory to the county commission, providing for and securing to the county commission the actual construction of the improvements and utilities within a period specified by the county planning commission, and the county commission shall have power to enforce the bond **or other form of security** by all proper remedies. The subdivision regulations shall be adopted, changed or amended, certified and filed as provided in section 64.815. The subdivision regulations shall be adopted, changed or amended only after a public hearing has been held thereon, public notice of which shall be given in the manner as provided for the hearing in section 64.815.”; and

Further amend said bill, Page 70, Section 67.2535, Line 16, by inserting after all of said line the following:

“89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; provided that, the city, town or village may only impose requirements [and] **for** the posting of bonds [regarding], **letters of credit or** escrows for subdivision-related [regulations] **improvements** as provided for in subsections 2 to [4] **5** of this section.

2. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and utility installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council [may] **shall** accept [a], **at the option of the developer, an escrow secured with cash or an irrevocable letter of credit deposited with the city, town, or village. The city, town, or village may accept a surety bond [or escrow], and such bond shall be** in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond[; provided that,]. The release of **any** such escrow, **letter of credit, or bond** by the city, town or village shall be as specified in this section. The council may enforce



the **escrow or bond** by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. **The regulations shall provide that in the event a developer who has posted an escrow, or letter of credit, or bond with a city, town, or village in accordance with subsection 2 of this section transfers title of the subdivision property prior to full release of the escrow, letter of credit, or bond, the municipality shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in subsection 2 of this section and in the amount of the escrow or letter of credit held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement escrow or letter of credit, the city, town, or village shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with respect to the subdivision improvements if the successor developer assumes all of the outstanding obligations of the previous developer. The city, town, or village may accept a surety bond from the successor developer in the form allowed in subsection 2 of this section and in the amount of the bond held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement bond, the city, town, or village shall release the original bond in full, and release the prior developer from all further obligations with respect to the subdivision improvements.**

4. The regulations shall provide that any

escrow **or bond** amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. **The city, town, or village shall inspect each category of improvement or utility work within twenty business days after a request for such inspection.** Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete in accordance with the ordinance of the city, town or village including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds **or bond amount** are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds **or bond amount** are hand delivered to an authorized person or place as specified by the owner or developer.

[4.] 5. If the city, town or village has not released the escrow funds **or bond amount** within thirty days as provided in this section **or provided a timely inspection of the improvements or utility work after request for such inspection**, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds **or bond amount** have been released. Any owner or developer aggrieved by the city's, town's or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court may award the prevailing party or the city, town or village the amount of all costs attributable to the action, including reasonable attorneys' fees.

[5.] 6. Nothing in this section shall apply to

performance, maintenance and payment bonds required by cities, towns or villages.

[6.] 7. Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council.

**8. The provisions of subsection 2 of this section requiring the acceptance of an escrow secured by cash or an irrevocable letter of credit, rather than a surety bond, at the option of the developer, all of the provisions of subsection 3 of this section, and the provisions of subsections 4 and 5 of this section regarding an inspection of improvements or utility work within twenty business days shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county.**

**9. Notwithstanding the provisions of section 290.210, RSMo, to the contrary, improvements secured by escrow, letter of credit, or bond as provided in this section shall not be subject to the terms of sections 290.210 to 290.340, RSMo, unless they are paid for wholly or in part out of public funds.”; and**

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

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

Senator Dolan offered **SA 16:**

**SENATE AMENDMENT NO. 16**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 117, Section 304.010, Line 21, by adding all of the following:

“389.610. 1. No public road, highway or street shall be constructed across the track of any railroad corporation, nor shall the track of any railroad corporation be constructed across a public road, highway or street, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation

at grade nor shall the track of a street railroad corporation be constructed across the tracks of a railroad corporation at grade, without having first secured the permission of the **state** highways and transportation commission, except that this subsection shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe.

2. Every railroad corporation shall construct and maintain good and sufficient crossings and crosswalks where its railroad crosses public roads, highways, streets or sidewalks now or hereafter to be opened.

3. The **state** highways and transportation commission shall make and enforce reasonable rules and regulations pertaining to the construction and maintenance of all public grade crossings. These rules and regulations shall establish minimum standards for:

- (1) The materials to be used in the crossing surface;
- (2) The length and width of the crossing;
- (3) The approach grades;
- (4) The party or parties responsible for maintenance of the approaches and the crossing surfaces.

4. The **state** highways and transportation commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, apportionment of expenses, use and warning devices of each crossing of a public road, street or highway by a railroad or street railroad, and of one railroad or street railroad by another railroad or street railroad. In order to facilitate such determinations, the **state** highways and transportation commission may adopt pertinent provisions of The Manual on Uniform Traffic Control Devices for Streets and Highways or other national standards.

5. The **state** highways and transportation commission shall have the exclusive power to alter or abolish any crossing, at grade or otherwise, of a

railroad or street railroad by a public road, highway or street whenever the **state** highways and transportation commission finds that public necessity will not be adversely affected and public safety will be promoted by so altering or abolishing such crossing, and to require, where, in its judgment it would be practicable, a separation of grades at any crossing heretofore or hereafter established, and to prescribe the terms upon which such separation shall be made. **When a road authority lawfully closes or vacates a roadway which provided access to a railroad crossing, the state highways and transportation commission shall issue an order authorizing removal of the crossing by the railroad within thirty days of being notified of such action by the roadway authority or railroad.**

6. The **state** highways and transportation commission shall have the exclusive power to prescribe the proportion in which the expense of the construction, installation, alteration or abolition of such crossings, the separation of grades, and the continued maintenance thereof, shall be divided between the railroad, street railroad, and the state, county, municipality or other public authority in interest.

7. Any agreement entered into after October 13, 1963, between a railroad or street railroad and the state, county, municipality or other public authority in interest, as to the apportionment of any cost mentioned in this section shall be final and binding upon the filing with the **state** highways and transportation commission of an executed copy of such agreement. If such parties are unable to agree upon the apportionment of the cost, the **state** highways and transportation commission shall apportion the cost among the parties according to the benefits accruing to each. In determining such benefits, the **state** highways and transportation commission shall consider all relevant factors including volume, speed and type of vehicular traffic, volume, speed and type of train traffic, and advantages to the public and to such railroad or street railroad resulting from the elimination of delays and the reduction of hazard at the crossing.

8. Upon application of any person, firm or corporation, the **state** highways and transportation commission shall determine if an existing private

crossing has become or a proposed private crossing will become utilized by the public to the extent that it is necessary to protect or promote the public safety. The **state** highways and transportation commission shall consider all relevant factors including but not limited to volume, speed, and type of vehicular traffic, and volume, speed, and type of train traffic. If it be determined that it is necessary to protect and promote the public safety, the **state** highways and transportation commission shall prescribe the nature and type of crossing protection or warning device for such crossing, the cost of which shall be apportioned by the **state** highways and transportation commission among the parties according to the benefits accruing to each. In the event such crossing protection or warning device as prescribed by the **state** highways and transportation commission is not installed, maintained or operated, the crossing shall be closed to the public.

9. The exclusive power of the **state** highways and transportation commission pursuant to this section shall be subject to review, determination, and prescription by the administrative hearing commission, upon application to [that] **the administrative hearing** commission by any interested party **in accordance with section 621.040, RSMo.** Upon filing of an application pursuant to this subsection, the administrative hearing commission is vested with the exclusive power of the highways and transportation commission otherwise provided in this section, with reference to matters reviewed, determined or prescribed by the administrative hearing commission.”; and

Further amend said title enacting clause and intersectional references accordingly.

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

Senator Callahan offered **SA 17:**

#### SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 75, Section 137.100, Line 26, by inserting after all of said line the following:

“137.298. 1. Other provisions of law to the contrary notwithstanding, any city may by ordinance include as a charge on bills issued for personal property taxes any outstanding parking violations issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by the collector of revenue of such city. No personal property tax bill shall be considered paid unless all charges for parking violations are also paid in full and the collector of revenue shall not issue a paid personal property receipt until all such charges are paid.

2. Any city or city not within a county may enter into a contract or cooperative agreement with the county governing body and county collector of any county with a charter form of government or any county of the first classification to include as a charge on bills issued for personal property taxes any outstanding vehicle-related fees and fines, including traffic violations, assessed or issued on any vehicle for which personal property tax is to be paid. For the purpose of this section, vehicle-related fees and fines shall include, but not be limited to, traffic violation fines, parking violation fines, towing and vehicle immobilization fees, and any late payment penalties and court costs associated with adjudication or collection of those fines. No personal property tax bill shall be considered paid unless all charges for parking violations and other vehicle-related fees and fines are also paid in full, and the county collector shall not issue a paid personal property tax receipt until all such charges are paid. Any contract or cooperative agreement shall be in writing, signed by the city, county governing body, and county collector, and shall set forth the provisions and terms agreed to by the parties.”; and

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

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

Senator Childers offered SA 18:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 117, Section 304.010, Line 21 of said page, by inserting after all of said line the following:

“321.554. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants, when the revenue from the ambulance or fire protection district sales tax is collected for distribution pursuant to section 321.552, the board of the ambulance or fire protection district, after determining its budget for the year pursuant to section 67.010, RSMo, and the rate of levy needed to produce the required revenue and after making any other adjustments to the levy that may be required by any other law, shall reduce the total operating levy of the district in an amount sufficient to decrease the revenue it would have received therefrom by an amount equal to fifty percent of the previous fiscal year's sales tax receipts. Loss of revenue, due to a decrease in the assessed valuation of real property located within the ambulance or fire protection district as a result of general reassessment, and from state-assessed railroad and utility distributable property based upon the previous fiscal year's receipts shall be considered in lowering the rate of levy to comply with this section in the year of general reassessment and in each subsequent year. In the event that in the immediately preceding year the ambulance or fire protection district actually received more or less sales tax

revenue than estimated, the ambulance or fire protection district board may adjust its operating levy for the current year to reflect such increase or decrease. The director of revenue shall certify the amount payable from the ambulance or fire protection district sales tax trust fund to the general revenue fund to the state treasurer.

2. Except that, in the first year in which any sales tax is collected pursuant to section 321.552, the collector shall not reduce the tax rate as defined in section 137.073, RSMo.

3. In a year of general reassessment, as defined by section 137.073, RSMo, or assessment maintenance as defined by section 137.115, RSMo, in which an ambulance or fire protection district in reliance upon the information then available to it relating to the total assessed valuation of such ambulance or fire protection district revises its property tax levy pursuant to section 137.073 or 137.115, RSMo, and it is subsequently determined by 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 assessed valuations that the assessed valuation of such ambulance or fire protection district has been changed, and but for such change the ambulance or fire protection district would have adopted a different levy on the date of its original action, then the ambulance or fire protection district may adjust its levy to an amount to reflect such change in assessed valuation, including, if necessary, a change in the levy reduction required by this section to the amount it would have levied had the correct assessed valuation been known to it on the date of its original action, provided:

(1) The ambulance or fire protection district first levies the maximum levy allowed without a vote of the people by article X, section 11(b) of the constitution; and

(2) The ambulance or fire protection district first adopts the tax rate ceiling otherwise authorized by other laws of this state; and

(3) The levy adjustment or reduction may include a one-time correction to recoup lost revenues the ambulance or fire protection district was entitled to receive during the prior year.

321.556. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants, the governing body of any ambulance or fire protection district, when presented with a petition signed by at least twenty percent of the registered voters in the ambulance or fire protection district that voted in the last gubernatorial election, calling for an election to repeal the tax pursuant to section 321.552, shall submit the question to the voters using the same procedure by which the imposition of the tax was voted. The ballot of submission shall be in substantially the following form:

“Shall ..... (insert name of ambulance or fire protection district) repeal the ..... (insert amount up to one-half) of one percent sales tax now in effect in the.....(insert name of ambulance or fire protection district) and reestablish the property tax levy in the district to the rate in existence prior to the enactment of the sales tax?

Yes  No

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

2. If a majority of the votes cast on the proposal by the qualified voters of the district

voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved.”; and

Further amend the title and enacting clause accordingly.

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

Senator Childers offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 20, Section 67.402, Line 13, by adding all of the following:

**“4. The provisions of this section shall not apply to lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources, or the department of conservation.”.**

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

Senator Caskey offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 2, Section A, Line 5, of said page, by inserting after all of said line the following:

“49.082. 1. A county commissioner in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall, subject to any other adjustment otherwise provided in this section, receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of commissioner on January 1, [1997] **2004**.

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	[\$19,140] <b>24,116</b>
41,000,000 to 53,999,999	[19,800] <b>24,948</b>
54,000,000 to 65,999,999	[21,120] <b>26,611</b>
66,000,000 to 85,999,999	[22,440] <b>28,274</b>
86,000,000 to 99,999,999	[23,760] <b>29,938</b>
100,000,000 to 130,999,999	[25,080] <b>31,601</b>
131,000,000 to 159,999,999	[26,400] <b>33,264</b>
160,000,000 to 189,999,999	[27,060] <b>34,096</b>
190,000,000 to 249,999,999	[27,390] <b>34,511</b>
250,000,000 to 299,999,999	[28,380] <b>35,759</b>
300,000,000 [or more] to <b>310,999,999</b>	[29,700] <b>37,422</b>
<b>311,000,000 to 330,999,999</b>	<b>38,412</b>
<b>331,000,000 to 359,999,999</b>	<b>39,402</b>
<b>360,000,000 to 389,999,999</b>	<b>40,392</b>
<b>390,000,000 to 449,999,999</b>	<b>41,382</b>
<b>450,000,000 to 499,999,999</b>	<b>42,372</b>
<b>500,000,000 to 549,999,999</b>	<b>43,362</b>
<b>550,000,000 or more</b>	<b>44,352</b>

2. In addition to any compensation provided pursuant to subsection 1 of this section, the presiding commissioner of any county not having a charter form of government shall receive two thousand dollars annual salary.

3. Two thousand dollars of the salary authorized in this section shall be payable to a commissioner only if the commissioner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the commissioner's office when approved by a professional association of the county commissioners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each commissioner who completes the training program and shall send a list of certified commissioners to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to a county commissioner in the same manner as other expenses as may be appropriated for

that purpose.

4. A county commissioner in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon a two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county commissioner or presiding commissioner respectively for the particular county for services rendered or performed on the date the salary commission votes.”; and

Further amend said bill, Page 6, Section 50.515, Line 7 of said page, by inserting after all of said line the following:

“50.334. 1. In all counties, except counties of the first classification having a charter form of government and counties of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, each recorder of deeds, if the recorder's office is separate from that of the circuit clerk, shall receive as total compensation for all services performed by the recorder, except as provided pursuant to section 50.333, an annual salary which shall be computed on an assessed valuation basis, **without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo**, as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as computed for the year next preceding the computation. The county recorder of deeds whose office is separate from that of the circuit clerk in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county recorder of deeds in the particular county for services rendered or performed on January 1, [1997] **2004**.

Assessed Valuation

Salary

\$ 8,000,000 to 40,999,999	\$[29,000] <b>36,540</b>
41,000,000 to 53,999,999	[30,000] <b>37,800</b>
54,000,000 to 65,999,999	[32,000] <b>40,320</b>
66,000,000 to 85,999,999	[34,000] <b>42,840</b>
86,000,000 to 99,999,999	[36,000] <b>45,360</b>
100,000,000 to 130,999,999	[38,000] <b>47,880</b>
131,000,000 to 159,999,999	[40,000] <b>50,400</b>
160,000,000 to 189,999,999	[41,000] <b>51,660</b>
190,000,000 to 249,999,999	[41,500] <b>52,290</b>
250,000,000 to 299,999,999	[43,000] <b>54,180</b>
300,000,000 [or more] to <b>310,999,999</b>	[45,000] <b>56,700</b>
<b>311,000,000 to 330,999,999</b>	<b>58,200</b>
<b>331,000,000 to 359,999,999</b>	<b>59,700</b>
<b>360,000,000 to 389,999,999</b>	<b>61,200</b>
<b>390,000,000 to 449,999,999</b>	<b>62,700</b>
<b>450,000,000 to 499,999,999</b>	<b>64,200</b>
<b>500,000,000 to 549,999,999</b>	<b>65,700</b>
<b>550,000,000 or more</b>	<b>67,200</b>

2. Two thousand dollars of the salary authorized in this section shall be payable to the recorder only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the recorder's office when approved by a professional association of the county recorders of deeds of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each recorder who completes the training program and shall send a list of certified recorders to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county recorder in the same manner as other expenses as may be appropriated for that purpose.

50.343. 1. Other provisions of law to the contrary notwithstanding, in any first classification nonchartered county, including any county containing any part of a city with a population of three hundred thousand or more, the annual salary of a county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor or salaried public administrator may

be computed on an assessed valuation basis, **without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo**, as set forth in the following schedule except as provided in [subsection 2] **subsections 2 and 3** of this section. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit a reduction in the amount of compensation being paid on January 1, [1997] **2004**, for any of the offices subject to this section on January 1, [1997] **2004**.

(1) For a recorder of deeds, clerk, auditor, presiding commissioner, collector, treasurer, assessor, or salaried public administrator:

Assessed Valuation	Salary
[\$ 450,000,001 to 600,000,000	\$47,000
600,000,001 to 750,000,000	49,000
750,000,001 to 900,000,000	51,000
900,000,001 to 1,050,000,000	53,000
1,050,000,001 to 1,200,000,000	55,000
1,200,000,001 to 1,350,000,000	57,000
1,350,000,000 and over	59,000]
<b>\$ 450,000,000 to 499,999,999</b>	<b>\$64,200</b>
<b>500,000,000 to 649,999,999</b>	<b>65,700</b>
<b>650,000,000 to 799,999,999</b>	<b>67,200</b>
<b>800,000,000 to 949,999,999</b>	<b>68,700</b>
<b>950,000,000 to 1,099,999,999</b>	<b>70,200</b>
<b>1,100,000,000 to 1,249,999,999</b>	<b>71,700</b>
<b>1,250,000,000 to 1,399,999,999</b>	<b>73,200</b>
<b>1,400,000,000 to 1,549,999,999</b>	<b>74,700</b>
<b>1,550,000,000 to 1,699,999,999</b>	<b>76,200</b>
<b>1,700,000,000 to 1,849,999,999</b>	<b>77,700</b>
<b>1,850,000,000 to 1,999,999,999</b>	<b>79,200</b>
<b>2,000,000,000 and over</b>	<b>80,700</b>

(2) Presiding commissioners shall receive a salary of two thousand dollars more than the salary received by the associate commissioners.

2. After December 31, 1990, in any county of the

second classification which becomes a first classification county without a charter form of government, the annual compensation of county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor and the public administrator in counties where the public administrator is paid a salary under the provisions of section 473.740, RSMo, may be set at the option of the salary commission. On or before October first of the year immediately prior to the beginning of the county fiscal year following the general election after the certification by the state equalizing agency that the county possesses an assessed valuation placing it in first classification status, the salary commission shall meet for the purpose of setting compensation for such county **offices or** officials and such compensation shall be payable immediately except that no compensation of any **county office or** county official shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Thereafter in all such counties the salary commission shall meet for the purpose of setting the compensation of the **offices or** officers in this subsection who will be elected at the next general election, and such compensation shall be payable upon the beginning of the next term of office of such **offices or** officers; except that, no compensation of any **office or** officer shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Two thousand dollars of the compensation established under the procedures authorized pursuant to this subsection shall be payable to a county officer only if the officer has completed at least twenty hours of classroom instruction in the operation of the office in the same manner as provided by law for **the offices and** officers subject to the provisions of section 50.333. At the salary commission meeting which establishes the percentage rate to be applied to **the county offices or** officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county **offices or** officers may be adjusted by the county commission, not to exceed the



percentage increase given to the other county employees.

3. [Other provisions of this section to the contrary notwithstanding, at the option of a majority of the county salary commission members, the salary of associate commissioners of a county of the first classification without a charter form of government with a population of at least eighty-two thousand but not more than eighty-five thousand inhabitants may be set at no more than sixty-five percent of the amount on the salary schedule for the county affected] **The compensation for county assessors in counties of the first classification for the term of office beginning September 1, 2005, shall be calculated under the salary schedule in this section using the percentage increase approved by the county salary commission when establishing the compensation for the office of county assessor at the salary commission meeting in 2005. This salary shall become effective September 1, 2005.**

**50.345. 1. The most recent percentage of the maximum allowable compensation established by the salary commission shall continue to apply regardless of any action by the general assembly to modify the salary schedule of any elected county official and shall be based upon the statute in effect at the time the salary commission established the percentage of the maximum allowable compensation for that office. At the meeting of the salary commission following any modification to any elected county official's salary schedule, the salary commission shall base the percentage of maximum allowable compensation as set forth in current statute.**

**2. Notwithstanding the provisions of subsection 5 of section 50.333 and subsection 2 of section 50.343, following the modification by the general assembly of any elected officer's maximum allowable compensation, the salary commission of any county may meet for the sole purpose of modifying the percentage of the maximum allowable compensation authorized by the county salary commission for any such position.”; and**

Further amend said bill, Page 11, Section 50.1250, Line 21 of said page, by inserting after all of said line the following:

“51.281. 1. The county clerk in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of clerk on January 1, [1997] **2004.**

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	[\$29,000] <b>36,540</b>
41,000,000 to 53,999,999	[30,000] <b>37,800</b>
54,000,000 to 65,999,999	[32,000] <b>40,320</b>
66,000,000 to 85,999,999	[34,000] <b>42,840</b>
86,000,000 to 99,999,999	[36,000] <b>45,360</b>
100,000,000 to 130,999,999	[38,000] <b>47,880</b>
131,000,000 to 159,999,999	[40,000] <b>50,400</b>
160,000,000 to 189,999,999	[41,000] <b>51,660</b>
190,000,000 to 249,999,999	[41,500] <b>52,290</b>
250,000,000 to 299,999,999	[43,000] <b>54,180</b>
300,000,000 [or more] to <b>310,999,999</b>	[45,000] <b>56,700</b>
<b>311,000,000 to 330,999,999</b>	<b>58,200</b>
<b>331,000,000 to 359,999,999</b>	<b>59,700</b>
<b>360,000,000 to 389,999,999</b>	<b>61,200</b>
<b>390,000,000 to 449,999,999</b>	<b>62,700</b>
<b>450,000,000 to 499,999,999</b>	<b>64,200</b>
<b>500,000,000 to 549,999,999</b>	<b>65,700</b>
<b>550,000,000 or more</b>	<b>67,200</b>

2. Two thousand dollars of the salary authorized in this section shall be payable to the clerk only if the clerk has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the clerk's office when approved by a professional association of the county clerks of Missouri unless exempted from the training by the professional association. The professional association approving the

program shall provide a certificate of completion to each clerk who completes the training program and shall send a list of certified clerks to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county clerk in the same manner as other expenses as may be appropriated for that purpose.

3. [The county clerk may retain any fees to which he is entitled for services performed in the issuance of fish and game licenses or permits.

4.] The county clerk in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county clerk in the particular county for services rendered or performed on the date the salary commission votes.

**51.283. Notwithstanding any other provision of law to the contrary, the election authority in each county that does not have a board of election commissioners shall receive additional compensation of seven thousand five hundred dollars annually for duties performed in compliance with the Help America Vote Act of 2002.”;** and

Further amend said bill, Pages 11 to 13, Section 52.269, by striking said section and inserting in lieu thereof the following:

“52.269. 1. In all counties, except first classification counties having a charter form of government and first classification counties not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, the county collector shall receive an annual salary which shall be paid in equal monthly installments by the county. The salary shall be computed on an assessed valuation basis, **without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo,** as provided in this subsection. The assessed valuation factor shall be the amount as shown for the year next preceding the annual salary computation. A county collector subject to the provisions of this section

shall not receive an annual compensation less than the total compensation being received by the county collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county collector shall receive the same percentage adjustments provided by the county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county collector on January 1, [1997] **2004,** or less than the total compensation being received for the services rendered or performed for the period beginning [March 1, 1987, and ending February 29, 1988] **January 1, 2004.** The salary shall be computed on the basis of the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$[29,000] <b>36,540</b>
41,000,000 to 53,999,999	[30,000] <b>37,800</b>
54,000,000 to 65,999,999	[32,000] <b>40,320</b>
66,000,000 to 85,999,999	[34,000] <b>42,840</b>
86,000,000 to 99,999,999	[36,000] <b>45,360</b>
100,000,000 to 130,999,999	[38,000] <b>47,880</b>
131,000,000 to 159,999,999	[40,000] <b>50,400</b>
160,000,000 to 189,999,999	[41,000] <b>51,660</b>
190,000,000 to 249,999,999	[41,500] <b>52,290</b>
250,000,000 to 299,999,999	[43,000] <b>54,180</b>
300,000,000 [or more] to <b>310,999,999</b>	[45,000] <b>56,700</b>
<b>311,000,000 to 330,999,999</b>	<b>58,200</b>
<b>331,000,000 to 359,999,999</b>	<b>59,700</b>
<b>360,000,000 to 389,999,999</b>	<b>61,200</b>
<b>390,000,000 to 449,999,999</b>	<b>62,700</b>
<b>450,000,000 to 499,999,999</b>	<b>64,200</b>
<b>500,000,000 to 549,999,999</b>	<b>65,700</b>
<b>550,000,000 or more</b>	<b>67,200</b>

2. Two thousand dollars of the salary authorized in this section shall be payable to the collector only if the collector has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the collector's office when approved by a

professional association of the county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each collector who completes the training program and shall send a list of certified collectors to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county collector in the same manner as other expenses as may be appropriated for that purpose.

3. Any provision of law to the contrary notwithstanding, any fee provided for in section 52.250 or 52.275, when collected on ditch and levee taxes, shall not be collected on behalf of the county and deposited into the county general revenue fund. Such fee shall be retained by the collector as compensation for his services, in addition to any amount provided for such collector in this section. [Any fee which may be retained by the collector under the terms of such contract may be retained in addition to all other compensation provided by law.]

4. Except as provided in subsection 3 of this section, after the next general election following January 1, 1988, all fees collected by the collector shall be collected on behalf of the county and deposited in the county general revenue fund.”; and

Further amend said bill, Page 14, Section 52.271, Line 11 of said page, by inserting after all of said line the following:

“53.082. 1. The county assessor in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule provided in this subsection. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of assessor on [September 1, 1997] **January 1, 2004.**

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	\$[29,000] <b>36,540</b>

41,000,000 to 53,999,999	[30,000] <b>37,800</b>
54,000,000 to 65,999,999	[32,000] <b>40,320</b>
66,000,000 to 85,999,999	[34,000] <b>42,840</b>
86,000,000 to 99,999,999	[36,000] <b>45,360</b>
100,000,000 to 130,999,999	[38,000] <b>47,880</b>
131,000,000 to 159,999,999	[40,000] <b>50,400</b>
160,000,000 to 189,999,999	[41,000] <b>51,660</b>
190,000,000 to 249,999,999	[41,500] <b>52,290</b>
250,000,000 to 299,999,999	[43,000] <b>54,180</b>
300,000,000 [or more] to <b>310,999,999</b>	[45,000] <b>56,700</b>
<b>311,000,000 to 330,999,999</b>	<b>58,200</b>
<b>331,000,000 to 359,999,999</b>	<b>59,700</b>
<b>360,000,000 to 389,999,999</b>	<b>61,200</b>
<b>390,000,000 to 449,999,999</b>	<b>62,700</b>
<b>450,000,000 to 499,999,999</b>	<b>64,200</b>
<b>500,000,000 to 549,999,999</b>	<b>65,700</b>
<b>550,000,000 or more</b>	<b>67,200</b>

2. The compensation for county assessors in second, third and fourth classification counties for the term of office beginning September 1, [1997] **2005**, shall be calculated pursuant to the salary schedule in this section using the percentage increase approved by the county salary commission when establishing the compensation for the office of county assessor at the salary commission meeting in [1997] **2005**. This salary shall become effective on September 1, [1997] **2005**.

3. Two thousand dollars of the salary authorized in this section shall be payable to the assessor only if the assessor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the assessor's office when approved by a professional association of the county assessors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each assessor who completes the training program and shall send a list of certified assessors to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county assessor in the same manner as other expenses as may be appropriated for that

purpose.

4. The county assessor in any county, except a first classification county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county assessor in the particular county for services rendered or performed on the date the salary commission votes.

54.261. 1. The county treasurer in counties of the first classification, not having a charter form of government and containing a portion of a city with a population of three hundred thousand or more, and in counties of the second, third and fourth classifications of this state, shall receive as compensation for services performed by the treasurer an annual salary based upon the assessed valuation of the county. The provisions of this section shall not permit or require a reduction[, nor shall require an increase,] in the amount of compensation being paid for the office of treasurer on January 1, [2002] **2004**.

2. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	[\$29,000] <b>36,540</b>
41,000,000 to 53,999,999	[30,000] <b>37,800</b>
54,000,000 to 65,999,999	[32,000] <b>40,320</b>
66,000,000 to 85,999,999	[34,000] <b>42,840</b>
86,000,000 to 99,999,999	[36,000] <b>45,360</b>
100,000,000 to 130,999,999	[38,000] <b>47,880</b>
131,000,000 to 159,999,999	[40,000] <b>50,400</b>
160,000,000 to 189,999,999	[41,000] <b>51,660</b>
190,000,000 to 249,999,999	[41,500] <b>52,290</b>
250,000,000 to 299,999,999	[43,000] <b>54,180</b>
300,000,000 [or more] to <b>310,999,999</b>	[45,000] <b>56,700</b>
<b>311,000,000 to 330,999,999</b>	<b>58,200</b>
<b>331,000,000 to 359,999,999</b>	<b>59,700</b>
<b>360,000,000 to 389,999,999</b>	<b>61,200</b>
<b>390,000,000 to 449,999,999</b>	<b>62,700</b>

**450,000,000 to 499,999,999** **64,200**

**500,000,000 to 549,999,999** **65,700**

**550,000,000 or more** **67,200**

3. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer only if the treasurer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer who completes the training program and shall send a list of certified treasurers to the county commission of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county treasurer in the same manner as other expenses as may be appropriated for that purpose.

4. The county treasurer in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the commission, receive an annual compensation in an amount less than the total compensation being received for the office of county treasurer in the particular county for services rendered or performed on the date the salary commission votes.

5. In the event of a vacancy in the office of treasurer in any county except a county of the first classification with a charter form of government, when there is no deputy treasurer, the county commission shall appoint a qualified acting treasurer until such time as the vacancy is filled by the governor pursuant to section 105.030, RSMo.

54.320. 1. The county treasurer ex officio collector in counties of the third and fourth classifications adopting township organization shall receive an annual salary as set forth in the following schedule. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation

factor shall be the amount thereof as shown for the year next preceding the computation. A county treasurer ex officio collector subject to the provisions of this section shall not receive an annual compensation less than the total compensation being received by the county treasurer ex officio collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county treasurer ex officio collector shall receive the same percentage adjustments provided by county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county treasurer ex officio collector on January 1, [1997] **2004**, or less than the total compensation being received for the services rendered or performed for the period beginning [March 1, 1987, and ending February 29, 1988] **January 1, 2004**. The salary shall be computed on the basis of the following schedule:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	[\$29,000] <b>36,540</b>
41,000,000 to 53,999,999	[30,000] <b>37,800</b>
54,000,000 to 65,999,999	[32,000] <b>40,320</b>
66,000,000 to 85,999,999	[34,000] <b>42,840</b>
86,000,000 to 99,999,999	[36,000] <b>45,360</b>
100,000,000 to 130,999,999	[38,000] <b>47,880</b>
131,000,000 to 159,999,999	[40,000] <b>50,400</b>
160,000,000 to 189,999,999	[41,000] <b>51,660</b>
190,000,000 to 249,999,999	[41,500] <b>52,290</b>
250,000,000 to 299,999,999	[43,000] <b>54,180</b>
300,000,000 to [449,999,999] <b>310,999,999</b>	[45,000] <b>56,700</b>
<b>311,000,000 to 330,999,999</b>	<b>58,200</b>
<b>331,000,000 to 359,999,999</b>	<b>59,700</b>
<b>360,000,000 to 389,999,999</b>	<b>61,200</b>
<b>390,000,000 to 449,999,999</b>	<b>62,700</b>
<b>450,000,000 to 499,999,999</b>	<b>64,200</b>
<b>500,000,000 to 549,999,999</b>	<b>65,700</b>
<b>550,000,000 or more</b>	<b>67,200</b>

In addition, the ex officio collector shall be allowed to

retain a commission for the collection of all back taxes and all delinquent taxes of two percent on all sums collected to be added to the face of the tax bill, and collected from the party paying the tax. The ex officio collector shall be allowed a commission of three percent on all licenses, and all taxes, including current taxes, back taxes, delinquent taxes and interest collected by the ex officio collector, to be deducted from the amounts collected. The three percent allowed to be retained shall be withheld on behalf of the county and shall be deposited in the county treasury or as provided by law and beginning January 1, 1989, the two percent allowed to be retained for collection of all back taxes and delinquent taxes shall be withheld on behalf of the county and shall be deposited in the county treasury or as provided by law. **Notwithstanding any provisions of law to the contrary, or any other provision of law in conflict with the provisions of this section**, the treasurer ex officio collector in each of the third and fourth classification counties which have adopted the township form of county government **shall be allowed to employ not less than one full time deputy and** is entitled to employ **such a number of** deputies and assistants, **as may be necessary to promptly and correctly perform the duties of the office of treasurer ex officio collector**, and for the deputies and assistants is allowed not less than the amount allowed in [1992 or 1993] **2001 or 2002**, whichever is greater, **and shall be allowed not less than any greater amount approved for any subsequent year.**

2. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer ex officio collector only if such officer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer ex officio collector's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer ex officio collector who completes the training program and shall send a list of certified treasurer ex officio collectors to the county commission of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county treasurer ex officio collector in the same manner as other expenses

as may be appropriated for that purpose.

55.091. 1. The county auditor in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall receive an annual salary computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of auditor on January 1, [1997] **2004**.

Assessed Valuation	Salary
<b>\$ 18,000,000 to 40,999,999</b>	<b>\$ 36,540</b>
<b>41,000,000 to 53,999,999</b>	<b>37,800</b>
<b>54,000,000 to 65,999,999</b>	<b>40,320</b>
<b>66,000,000 to 85,999,999</b>	<b>42,840</b>
<b>86,000,000 to 99,999,999</b>	<b>45,360</b>
<b>100,000,000 to 130,999,999</b>	<b>47,880</b>
131,000,000 to [189,999,999] <b>159,999,999</b>	[\$40,500] <b>50,400</b>
<b>160,000,000 to 189,999,999</b>	<b>51,660</b>
190,000,000 to 249,999,999	[41,500] <b>52,290</b>
250,000,000 to 299,999,999	[43,000] <b>54,180</b>
300,000,000 to [399,999,999] <b>310,999,999</b>	[45,000] <b>56,700</b>
[400,000,000 to 499,999,999	46,000]
<b>311,000,000 to 330,999,999</b>	<b>58,200</b>
<b>331,000,000 to 359,999,999</b>	<b>59,700</b>
<b>360,000,000 to 389,999,999</b>	<b>61,200</b>
<b>390,000,000 to 449,999,999</b>	<b>62,700</b>
<b>450,000,000 to 499,999,999</b>	<b>64,200</b>
500,000,000 [or more] to <b>549,999,999</b>	[47,000] <b>65,700</b>
<b>550,000,000 or more</b>	<b>67,200</b>

2. Two thousand dollars of the salary authorized in this section shall be payable to the auditor only if the auditor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the auditor's office when approved by a

professional association of the county auditors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each auditor who completes the training program and shall send a list of certified auditors to the treasurer of each county. Expenses incurred attending the training session [may] **shall** be reimbursed to the county auditor in the same manner as other expenses as may be appropriated for that purpose.

3. The county auditor in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation less than the total compensation being received for the office of county auditor in the particular county for services rendered or performed on the date the salary commission votes.

56.265. 1. The county prosecuting attorney in any county, other than in a chartered county, shall receive an annual salary computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.

(1) For a full-time prosecutor the prosecutor shall receive compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor:

Assessed Valuation	Amount
\$ 18,000,000 to 40,999,999	[\$37,000] <b>46,620</b>
41,000,000 to 53,999,999	[38,000] <b>47,880</b>
54,000,000 to 65,999,999	[39,000] <b>49,140</b>
66,000,000 to 85,999,999	[41,000] <b>51,660</b>
86,000,000 to 99,999,999	[43,000] <b>54,180</b>
100,000,000 to 130,999,999	[45,000] <b>56,700</b>
131,000,000 to 159,999,999	[47,000] <b>59,220</b>
160,000,000 to 189,999,999	[49,000] <b>61,740</b>
190,000,000 to 249,999,999	[51,000] <b>64,260</b>
250,000,000 to 299,999,999	[53,000] <b>66,780</b>
300,000,000 [or more] to <b>310,999,999</b>	[55,000] <b>69,300</b>

<b>311,000,000 to 330,999,999</b>	<b>71,133</b>
<b>331,000,000 to 359,999,999</b>	<b>72,966</b>
<b>360,000,000 to 389,999,999</b>	<b>74,799</b>
<b>390,000,000 to 449,999,999</b>	<b>76,632</b>
<b>450,000,000 to 499,999,999</b>	<b>78,465</b>
<b>500,000,000 to 549,999,999</b>	<b>80,298</b>
<b>550,000,000 or more</b>	<b>82,131</b>

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session [may] shall be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.

4. The prosecuting attorney of any county which becomes a county of the first classification during a four-year term of office or a county which passed the proposition authorized by section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.

5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.

57.317. 1. The county sheriff in any county, other than in a first classification chartered county, shall receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next

preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff on January 1, [1997] 2004.

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	[\$36,000] <b>45,360</b>
41,000,000 to 53,999,999	[37,000] <b>46,620</b>
54,000,000 to 65,999,999	[38,000] <b>47,880</b>
66,000,000 to 85,999,999	[39,000] <b>49,140</b>
86,000,000 to 99,999,999	[40,000] <b>50,400</b>
100,000,000 to 130,999,999	[42,000] <b>52,920</b>
131,000,000 to 159,999,999	[44,000] <b>53,440</b>
160,000,000 to 189,999,999	[45,000] <b>56,700</b>
190,000,000 to 249,999,999	[46,000] <b>57,960</b>
250,000,000 to 299,999,999	[48,000] <b>60,480</b>
300,000,000 to [449,999,999]	<b>310,999,999</b> [50,000] <b>63,000</b>
<b>311,000,000 to 330,999,999</b>	<b>64,667</b>
<b>331,000,000 to 359,999,999</b>	<b>66,333</b>
<b>360,000,000 to 389,999,999</b>	<b>68,000</b>
<b>390,000,000 to 449,999,999</b>	<b>68,152</b>
450,000,000 to [599,999,999]	<b>499,999,999</b> [52,000] <b>72,574</b>
<b>500,000,000 to 599,999,999</b>	<b>72,689</b>
600,000,000 to 749,999,999	[54,000] <b>73,256</b>
750,000,000 to 899,999,999	[56,000] <b>74,125</b>
900,000,000 to 1,049,999,999	[58,000] <b>75,181</b>
1,050,000,000 to 1,199,999,999	[60,000] <b>77,673</b>
1,200,000,000 to 1,349,999,999	[62,000] <b>79,621</b>
1,350,000,000 [and over] to <b>1,549,999,999</b>	[64,000] <b>81,031</b>
<b>1,550,000,000 to 1,699,999,999</b>	<b>82,658</b>
<b>1,700,000,000 to 1,849,999,999</b>	<b>84,285</b>
<b>1,850,000,000 to 1,999,999,999</b>	<b>85,912</b>
<b>2,000,000,000 and over</b>	<b>87,539</b>

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff's office when approved by a

professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation less than the total compensation being received for the office of county sheriff in the particular county for services rendered or performed on the date the salary commission votes.

58.095. 1. The county coroner in any county, other than in a first classification chartered county, shall receive an annual salary computed on a basis as set forth in the following schedule. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of coroner on January 1, [1997] **2004**:

Assessed Valuation	Salary
\$ 18,000,000 to 40,999,999	[\$8,000] <b>10,080</b>
41,000,000 to 53,999,999	[8,500] <b>10,710</b>
54,000,000 to 65,999,999	[9,000] <b>11,340</b>
66,000,000 to 85,999,999	[9,500] <b>11,970</b>
86,000,000 to 99,999,999	[10,000] <b>12,600</b>
100,000,000 to 130,999,999	[11,000] <b>13,860</b>
131,000,000 to 159,999,999	[12,000] <b>15,120</b>
160,000,000 to 189,999,999	[13,000] <b>16,380</b>
190,000,000 to 249,999,999	[14,000] <b>17,640</b>
250,000,000 to 299,999,999	[15,000] <b>18,900</b>
300,000,000 or more	[16,000] <b>20,160</b>

2. One thousand dollars of the salary authorized in this section shall be payable to the coroner only if the coroner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the coroner's office when approved by a

professional association of the county coroners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each coroner who completes the training program and shall send a list of certified coroners to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county coroner in the same manner as other expenses as may be appropriated for that purpose.

3. The county coroner in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county coroner in the particular county for services rendered or performed on the date the salary commission votes.

4. For the term beginning in 1997, the compensation of the coroner, in counties in which the salary commission has not voted to pay one hundred percent of the maximum allowable salary, shall be a percentage of the maximum allowable salary established by this section. The percentage applied shall be the same percentage of the maximum allowable salary received or allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of that county for the year beginning January 1, 1997. In those counties in which the salary commission has voted to pay one hundred percent of the maximum allowable salary, the compensation of the coroner shall be based on the maximum allowable salary in effect at each time a coroner's term of office commences following the vote to pay one hundred percent of the maximum allowable compensation. Subsequent compensation shall be determined as provided in section 50.333, RSMo.

5. Effective January 1, 1997, the county coroner in any county, other than a county of the first classification with a charter form of government, may, upon the approval of the county commission, receive additional compensation for any month during which investigations or other services are performed for three or more decedents in the same incident during such month. The additional compensation shall be an amount that when added to the regular compensation the sum shall equal the monthly compensation of the



county sheriff.”; and

Further amend said bill, Page 117, Section 304.010, Line 21 of said page, by inserting after all of said line the following:

“473.742. 1. Each public administrator in counties of the second, third or fourth classification and in the city of St. Louis shall make a determination within thirty days after taking office whether such public administrator shall elect to receive a salary as defined herein or receive fees as may be allowed by law to executors, administrators and personal representatives. The election by the public administrator shall be made in writing to the county clerk. Should the public administrator elect to receive a salary, the public administrator's office may not then elect to change at any future time to receive fees in lieu of salary.

2. If a public administrator elects to be placed on salary, the salary shall be based upon the average number of open letters in the two years preceding [the term when the salary is elected,] based upon the following schedule:

(1) Zero to five letters: Salary shall be a minimum of [seven] **ten** thousand [five hundred] dollars;

(2) Six to fifteen letters: Salary shall be a minimum of [fifteen] **twenty** thousand dollars;

(3) Sixteen to twenty-five letters: Salary shall be a minimum of [twenty] **twenty-six** thousand dollars;

(4) Twenty-six to thirty-nine letters: Salary shall be a minimum of [twenty-five] **thirty-three** thousand dollars;

(5) Public administrators with forty or more letters shall be considered full-time county officials and shall be paid according to the assessed valuation schedule set forth below:

Assessed valuation	Salary
\$ 8,000,000 to 40,999,999	[\$29,000] <b>\$36,540</b>
\$ 41,000,000 to 53,999,999	[\$30,000] <b>\$37,800</b>
\$ 54,000,000 to 65,999,999	[\$32,000] <b>\$40,320</b>
\$ 66,000,000 to 85,999,999	[\$34,000] <b>\$42,840</b>
\$ 86,000,000 to 99,999,999	[\$36,000] <b>\$45,360</b>
\$100,000,000 to 130,999,999	[\$38,000] <b>\$47,880</b>

\$131,000,000 to 159,999,999	[\$40,000] <b>\$50,400</b>
\$160,000,000 to 189,999,999	[\$41,000] <b>\$51,660</b>
\$190,000,000 to 249,999,999	[\$41,500] <b>\$52,290</b>
\$250,000,000 to 299,999,999	[\$43,000] <b>\$54,180</b>
\$300,000,000 to [449,999,999]	<b>310,999,999</b> [\$45,000] <b>\$56,700</b>
[\$450,000,000 to 599,999,999]	<b>311,000,000 to 330,999,999</b> [\$47,000] <b>\$58,200</b>
[\$600,000,000 to 749,999,999]	<b>331,000,000 to 359,999,999</b> [\$49,000] <b>\$59,700</b>
[\$750,000,000 to 899,999,999]	<b>360,000,000 to 389,999,999</b> [\$51,000] <b>\$61,200</b>
[\$900,000,000 to 1,049,999,999]	<b>390,000,000 to 449,999,999</b> [\$53,000] <b>\$62,700</b>
[\$1,050,000,000 to 1,199,999,999]	<b>450,000,000 to 499,999,999</b> [\$55,000] <b>\$64,200</b>
[\$1,200,000,000 to 1,349,999,999]	<b>500,000,000 to 549,999,999</b> [\$57,000] <b>\$65,700</b>
<b>\$ 650,000,000 to 799,999,999</b>	<b>\$67,200</b>
<b>\$ 800,000,000 to 949,999,999</b>	<b>\$68,700</b>
<b>\$ 950,000,000 to 1,099,999,999</b>	<b>\$70,200</b>
<b>\$1,100,000,000 to 1,249,999,999</b>	<b>\$71,700</b>
<b>\$1,250,000,000 to 1,399,999,999</b>	<b>\$73,200</b>
<b>\$1,400,000,000 to 1,549,999,999</b>	<b>\$74,700</b>
<b>\$1,550,000,000 to 1,699,999,999</b>	<b>\$76,200</b>
<b>\$1,700,000,000 to 1,849,999,999</b>	<b>\$77,700</b>
<b>\$1,850,000,000 to 1,999,999,999</b>	<b>\$79,200</b>
[\$1,350,000,000] <b>2,000,000,000</b> and over	[\$59,000] <b>\$80,700;</b>

(6) The public administrator in the city of St. Louis shall receive a salary not less than sixty-five thousand dollars.

3. The initial compensation of the public administrator who elects to be put on salary shall be determined by the average number of letters for the two years preceding the term when the salary is elected. Salary increases or decreases according to the minimum schedule set forth in subsection 1 of this section shall be adjusted only after the number of open

letters places the workload in a different subdivision for two consecutive years. Minimum salary increases or decreases shall only take effect upon a new term of office of the public administrator. The number of letters each year shall be determined in accordance with the reporting requirements set forth in law.

4. All fees collected by a public administrator who elects to be salaried shall be deposited in the county treasury or with the treasurer for the city of St. Louis.

5. Any public administrator in a county of the first classification [without a charter form of government] with a population of less than one hundred thousand inhabitants who elects to receive fees in lieu of a salary pursuant to this section may elect to join the Missouri local government employees' retirement system created pursuant to sections 70.600 to 70.755, RSMo.”; and

Further amend page 141, Section B, Line 8, by inserting after all of said lines the following:

“Section C. Sections 49.082, 50.334, 50.343, 50.345, 51.281, 51.283, 52.269, 53.082, 54.261, 54.370, 55.091, 56.265, 57.317, 58.095, and 473.742 as repealed and reenacted or enacted by this act shall be effective January 1, 2006.”; and

Further amend the title and enacting clause accordingly.

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

Senator Days offered SA 21, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 17, Section 67.320, Line 29 of said page, by inserting after all of said line the following:

**“5. Pursuant to Article IX of the Missouri Constitution, fines received by the county pursuant to this section shall be paid to the school districts in the county pursuant to chapter 166, RSMo.”.**

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

Senator Jacob offered SA 22, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 123, Section 537.550, Line 25, by deleting said section; and

Further amend the title and enacting clause accordingly.

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

SA 22 failed of adoption by the following vote:

YEAS—Senators  
 Bray Callahan Caskey Coleman  
 Days Gross Jacob Kennedy  
 Quick Steelman Wheeler—11

NAYS—Senators  
 Bartle Cauthorn Champion Childers  
 Clemens Dolan Foster Gibbons  
 Griesheimer Kinder Klindt Loudon  
 Mathewson Nodler Scott Shields  
 Vogel Yeckel—18

Absent—Senators—None

Absent with leave—Senators  
 Bland Dougherty Goode Russell  
 Stoll—5

Senator Loudon offered SA 23:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 70, Section 67.2535, Line 16, by inserting after said line the following:

“94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and

pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tipping houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

**2. Notwithstanding any other law to the**

**contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-one dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.**

**3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of eleven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.”**

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

Senator Caskey offered SA 24, which was read:

**SENATE AMENDMENT NO. 24**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 119, Section 475.275, Line 24, by inserting after all of said section the following:

“478.570. 1. There shall be two circuit judges in the seventeenth judicial circuit consisting of the counties of Cass and Johnson. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

**3. Notwithstanding the provisions of**

**subsection 2 of section 478.320 to the contrary which provide that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county, based on the population of Cass County being between one hundred thousand and two hundred thousand inhabitants in 2004, there shall be a third associate circuit judge in Cass County. The third associate circuit judge shall be appointed by the governor and shall take office on January 1, 2005 and shall be elected in 2006.”;** and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, SA 24 was withdrawn.

Senator Bartle offered SA 25:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 16, Section 64.825, Line 28, by inserting after all of said line the following:

“64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority.

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of

its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **If the county commission has not submitted a panel of three names to the governor within thirty days of the expiration of a commissioner's term, the governor shall immediately make an appointment to the commission with the advice and consent of the senate. In the event the governor does not appoint a replacement, no commissioner shall continue to serve beyond the expiration of that commissioner's term.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties. **No commissioner shall continue to serve beyond the expiration of that commissioner's term**

64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields,

parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

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

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including **any contributed funds and any** rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which **contributed funds**, rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation **by the authority**. Bonds or notes issued pursuant to this section may be further secured by a mortgage or

deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of **contributions and of** rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest

on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Callahan offered **SA 1 to SA 25**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 25

Amend Senate Amendment No. 25 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Pages 2-7, Section 64.940, by striking said section from the amendment.

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

**SA 25**, as amended, was again taken up.

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

Senator Dougherty offered **SA 26**:

**SENATE AMENDMENT NO. 26**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 126, Section 644.032, Line 18 of said page, by inserting immediately after said line the following:

“701.304. 1. A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, may conduct an inspection or a risk assessment at a dwelling or a child-occupied facility for the purpose of ascertaining the existence of a lead hazard under the following conditions:

(1) The department, owner of the dwelling, and an adult occupant of a dwelling which is rented or leased have been notified that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule; and

(2) The inspection or risk assessment occurs at a reasonable time; and

(3) The representative of the department or local government presents appropriate credentials to the owner or occupant; and

(4) Either the dwelling's owner or adult occupant or the child-occupied facility's owner or agent grants consent to enter the premises to conduct an inspection or risk assessment; or

(5) If consent to enter is not granted, the representative of the department, local government, or local health department may petition the circuit court for an order to enter the premises and conduct an inspection or risk assessment after notifying the dwelling's owner or adult occupant in writing of the time and purpose of the inspection or risk assessment at least forty-eight hours in advance. The court shall grant the order upon a showing that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied

facility has been identified as having an elevated blood lead level as defined by rule.

2. In conducting such an inspection or risk assessment, a representative of the department, or representative of a unit of local government or health department licensed by the department for this purpose, may remove samples necessary for laboratory analysis in the determination of the presence of a lead-bearing substance or lead hazard in the designated dwelling or child-occupied facility.

3. The director shall assess fees for licenses and accreditation **and levy fines** in accordance with rules promulgated pursuant to sections 701.300 to [701.330] **701.338**. All such fees **and fines** shall be deposited into the state treasury to the credit of the public health services fund established in section 192.900, RSMo.

**4. In commercial lead production areas, if the department identifies lead hazards due to paint, mini-blinds, or other household products/sources in a property where a child has been identified with an EBL, the owner shall comply with the requirement for abating or establishing interim controls for the above stated hazards, in a manner consistent with the recommendations described by the department and within the applicable time period. Residential property owners in commercial lead production areas shall not be fined pursuant to this section after compliance with the requirement for abating or establishing interim controls established by the department per the initial risk assessment, or made to pay for any type of lead remediation necessary due to the commercial lead production and transport unless the commercial lead production or transport company, or their subsidiaries, agents, or successors owns the property.**

**701.305. The department of health and senior services shall provide on its Internet website educational information that explain the rights and responsibilities of the property owner and tenants of a dwelling and the lead inspectors, risk assessors, and the lead abatement contractors.**

701.308. 1. Upon receipt of written notification of the presence of a lead hazard, the owner shall comply with the requirement for abating or establishing interim controls for the lead hazard in a manner consistent with the recommendations described by the department and within the applicable time period. If the dwelling or child-occupied facility is a rental or leased property, the owner may remove it from the rental market.

2. Except as provided in subsection 1 of this section, no tenant shall be evicted because an individual with an elevated blood lead level or with suspected lead poisoning resides in the dwelling, or because of any action required of the dwelling owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not operate to prevent the owner of any such dwelling from evicting a tenant for any other reason as provided by law.

3. No child shall be denied attendance at a child-occupied facility because of an elevated blood lead level or suspected lead poisoning or because of any action required of the facility owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not prevent the owner or agent of any such child-occupied facility from denying attendance for any other reason allowed by law.

4. **A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, is authorized to re-enter a dwelling or child-occupied facility to determine if the required actions have been taken that will result in the reduction of lead hazards. If consent to enter is not granted, the representative of the department, local government, or local health department may petition the court for an order to enter the premises. The court shall grant the order upon a showing that the representative of the department, local government, or local health department has attempted to notify the dwelling's owner or adult occupant in writing of the time and purpose of the re-entry at least forty-eight hours in advance.**

5. [Whenever] **Upon re-entry, if** the department[,] **or a** representative of a unit of local government[,] or local health department licensed by the department for this purpose, finds[, after providing written notification to the owner.] that **the owner has not taken the** required actions which [will result] **have resulted** in the reduction of [a] lead [hazard in a dwelling or child-occupied facility have not been taken] **hazards**, the owner shall be deemed to be in violation of sections 701.300 to 701.338. Such violation shall not by itself create a cause of action. The department or the local government or local health department shall:

(1) Notify in writing the owner found to be causing, allowing or permitting the violation to take place; and

(2) Order that the owner of the dwelling or child-occupied facility shall cease and abate causing, allowing or permitting the violation and shall take such action as is necessary to comply with this section and the rules promulgated pursuant to this section.

[5.] 6. If [no action is taken pursuant to subsection 4 of this section which would result in abatement or interim control of the lead hazard within the stated time period], **upon re-entry, the lead hazard has not been reduced**, the following steps may be taken:

(1) The local health officer and local building officials may, as practical, use such community or other resources as are available to effect the relocation of the individuals who occupied the affected dwelling or child-occupied facility until the owner complies with the notice; or

(2) The department[,] **or** representative of a unit of local government or health department licensed by the department for this purpose, [shall] **may** report any violation of sections 701.300 to 701.338 to the prosecuting attorney of the county in which the dwelling or child-occupied facility is located and notify the owner that such a report has been made. The prosecuting attorney shall seek injunctive relief to ensure that the lead hazard is abated or that interim controls are established.

7. **In addition to the injunctive relief**



provided in subdivision (2) of subsection 6 of this section, the court may impose a fine against the owner of the dwelling or child-occupied facility found to be in violation of any provision of sections 701.300 to 701.338. The amount of such fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed ten thousand dollars. The fine shall not be less than five thousand dollars if said owner has failed to reduce identified lead hazards upon a showing that:

(1) Said property owner has been notified that an occupant or child less than six years of age dwelling in his property has an elevated blood lead level pursuant to section 701.306;

(2) That re-entry by the department under subsection 5 of this section revealed that the required actions to reduce the lead hazards were not taken; and

(3) Another occupant or child less than six years of age dwelling in his property is identified with an elevated blood lead level.

701.309. 1. At least ten days prior to the onset of a lead abatement project, the lead abatement contractor conducting such an abatement project shall:

(1) Submit to the department a written notification as prescribed by the department; and

(2) Pay a notification fee of twenty-five dollars.

2. In addition to the specified penalties in section 701.320, failure to notify the department prior to the onset of a lead abatement project shall result in a fine levied by the department of one thousand dollars imposed against the lead abatement contractor for the first identified offense, two thousand dollars for the second identified offense, and thereafter, fines shall be doubled for each identified offense.

3. The lead abatement contractor shall inform the owners and tenants of a dwelling that information regarding potential lead hazards can be accessed on the department's

**Internet website.**

4. If the lead abatement contractor is unable to comply with the requirements of subsection 1 of this section because of an emergency situation as defined by rule, the contractor shall:

(1) Notify the department by other means of communication within twenty-four hours of the onset of the project; and

(2) Submit the written notification and notification fee prescribed in subsection 1 of this section to the department no more than five days after the onset of the project.

**5. Upon completion of the abatement, the lead abatement contractor shall submit to the department written notification and the final clearance inspection report.**

701.311. 1. Any authorized representative of the department who presents appropriate credentials may, at all reasonable times, enter public or private property to conduct compliance inspections of lead abatement contractors as may be necessary to implement the provisions of sections 701.300 to 701.338 and any rules promulgated pursuant to sections 701.300 to 701.338.

2. It is unlawful for any person to refuse entry or access requested for inspecting or determining compliance with sections 701.300 to 701.338. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction for the purpose of enabling such inspections.

3. Whenever the director determines through a compliance inspection that there are reasonable grounds to believe that there has been a violation of any provision of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, the director shall give notice of such alleged violation to the owner or person responsible, as provided in this section. The notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for the issuance of the notice;

(3) Allow reasonable time as determined by the director for the performance of any act the notice requires;

(4) Be served upon the property owner or person responsible as the case may require, provided that such notice shall be deemed to have been properly served upon such person when a copy of such notice has been sent by registered or certified mail to the person's last known address as listed in the local property tax records concerning such property, or when such person has been served with such notice by any other method authorized by law;

(5) Contain an outline of corrective action which is required to effect compliance with sections 701.300 to 701.338 and the rules promulgated pursuant to sections 701.300 to 701.338.

**4. In the event the department is required to revisit an abatement project, either because a contractor is not present for the notification visit referenced in section 701.309 or because the contractor is found in violation of a provision of sections 701.300 to 701.338 or any regulation promulgated thereunder, the lead abatement contractor shall pay a fee of one hundred and fifty dollars per re-visit.**

5. If an owner or person files a written request for a hearing within ten days of the date of receipt of a notice, a hearing shall be held within thirty days from the date of receipt of the notice before the director or the director's designee to review the appropriateness of the corrective action. The director shall issue a written decision within thirty days of the date of the hearing. Any final decision of the director may be appealed to the administrative hearing commission as provided in chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed as provided in sections 536.100 to 536.140, RSMo.

[5.] 6. The attorney general or the prosecuting attorney of the county in which any violation of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, occurred shall, at the request of the city,

county or department, institute appropriate proceedings for correction.

[6.] 7. When the department determines that an emergency exists which requires immediate action to protect the health and welfare of the public, the department is authorized to seek a temporary restraining order and injunction. Such action shall be brought at the request of the director by the local prosecuting attorney or the attorney general. For the purposes of this subsection, an "emergency" means any set of circumstances that constitutes an imminent health hazard or the threat of an imminent health hazard.

**8. In addition to any other penalty provided by law, the department may assess a fine in a maximum amount not to exceed one thousand dollars for the first violation and five thousand dollars for each subsequent violation against any inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or contractor licensed by the department who violates a provision of sections 701.300 to 701.338, or any rule promulgated thereunder. In the cases of a continuing violation, every day such violation continues shall be deemed a separate violation.**

701.312. 1. The director of the department of health and senior services shall develop a program to license lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers and lead abatement contractors. The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to issue, restrict, suspend, revoke, deny and reissue licenses;
- (2) The ability to enter into reciprocity agreements with other states that have similar licensing provisions;
- (3) Fees for any such licenses;
- (4) Training, education and experience requirements; and
- (5) The implementation of work practice standards, reporting requirements and licensing standards.

2. [The director shall issue temporary risk

assessor licenses to persons who, as of August 28, 1998, are licensed by the department as lead inspectors. The temporary risk assessor licenses issued pursuant to this subsection shall expire upon the same date as the expiration date of such person's lead inspector license. The director shall set forth standards and conditions under which temporary risk assessor licenses shall be issued.] **The director shall require, as a condition of licensure, lead abatement contractors to purchase and maintain liability insurance. The director shall require a licensee or an applicant for licensure to provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities of which the licensee or applicant may be liable. The licensee or applicant may provide proof of liability insurance in an amount to be determined by the director which shall not be less than three hundred thousand dollars.**

**701.313. 1. Any local community organization, government agency, or quasi-government agency issuing grants or loans for lead abatement projects must provide written notification to the department no later than ten days prior to the onset of a lead abatement project. The written notification shall include, but not be limited to, the name of the lead abatement contractor, the address of the property on which the lead abatement project shall be conducted, and the date on which the lead abatement project will be conducted.**

**2. If the local community organization, government agency, or quasi-government agency fails to provide written notification for each property pursuant to subsection 1 of this section, a fine of two hundred fifty dollars shall be levied by the department.**

**3. If the local community organization, government agency, or quasi-government agency is unable to comply with the requirements in subsection 1 of this section due to an emergency situation, as defined by the department, the local community organization, government agency, or quasi-government agency shall:**

**(1) Notify the department by other means of**

**communication within twenty-four hours of the onset of the lead abatement project; and**

**(2) Provide written notification to the department no later than five days after the onset of the lead abatement project.**

701.320. 1. Except as otherwise provided, violation of the provisions of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

**2. Any subsequent violation of the provisions of sections 701.308, 701.309, 701.310, 701.311, and 701.316 is a class D felony.**

701.336. 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

**2. The department of health and senior services and the department of social services, in collaboration with related not-for-profit organizations, American Academy of Pediatrics, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning by August 28, 2008. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.**

3. The division of family services, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of

the Medicaid program.

**4. The department of social services shall seek Medicaid waivers for the funding of lead prevention cleaning treatments and lead hazard reduction measures in the properties of Medicaid recipients. The department shall coordinate with the department of health and senior services to ensure that priority homes receive the appropriate funding and that risk assessments are conducted for the purpose of identifying lead hazards in properties.**

701.342. 1. The department of health and senior services shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.

2. Every child six months through six years of age not residing or spending more than ten hours a week in geographic areas identified as high risk by the department shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall be tested using a blood sample.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.

**5. The department of social services, in**

**collaboration with the department of health and senior services, shall ensure that all children six months through six years of age who are in foster care in geographic areas identified as high risk by the department are tested annually for lead poisoning. The costs of the testing shall be paid through the state Medicaid program. If a child who is in foster care and resides in a high risk area is not eligible for Medicaid, the costs of the testing shall be paid by the state.**

6. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

[6.] 7. When the department is notified of a case of lead poisoning, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead-poisoned child.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 27**, which was read:

**SENATE AMENDMENT NO. 27**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 83, Section 144.030, Line 27, by inserting immediately after the word “activities” the following: “**and all sales made by or to any organization that has been granted tax exempt status under section 501 (c) (3) of the United States Internal Revenue Code of 1986, as amended, in its tax-exempt and activities**”.

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

Senator Griesheimer offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 122, Section 479.020, Line 2, by inserting immediately after said line the following:

“488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

**4. In addition to any fee authorized by subsection 1 of this section, in any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, such county may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court.**

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges of the circuit court, en banc, of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the judges of the circuit court, en banc, of any such county for the maintenance and upkeep of the

law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the judges of the circuit court, en banc, of any such county; provided, that the judges of the circuit court, en banc, of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

2. In any county [of the first classification without a charter form of government and with a population of at least two hundred thousand, such fund may also be applied and expended for also be applied and expended for courtroom renovation and technology enhancement [in those counties], **or for debt service on county bonds for such renovation or enhancement projects.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 29**, which was read:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 101, Section 193.265, Line 19, by deleting all of said section through page 104, line 6; and

Further amend the title and enacting clause accordingly.

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

Senator Wheeler offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 74, Section 94.578, Line 6, by inserting immediately after all of said line the following:

“135.481. 1. (1) Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, or for a multiple unit condominium

described in subdivision (2) of this subsection, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

(2) For the purposes of this section, a “**multiple unit condominium**” is one that is intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, and is under way by January 1, 2000, and completed by January 1, 2002.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property.

**8. Any taxpayer who has obtained approvals of multiple phase projects before December 31, 2004, and who incurs eligible costs for a new residence in an area described in subsection 2 of this section which is constructed on property subject to the industrial development provisions of sections 100.300 to 100.600 and which lies within an area with a city zoning classification of urban redevelopment district, may reallocate the tax credits within the phases in an amount not to exceed thirty-five percent of such costs up to seventy thousand dollars per residence in any ten-year period.”;** and further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 31**, which was read:

**SENATE AMENDMENT NO. 31**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 123, Section 537.550, Line 25, by striking all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator Childers moved that **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**, as amended, be adopted, which motion prevailed.

Senator Childers moved that **SS** for **SCS** for

HCS for HBs 795, 972, 1128 and 1161, as amended, be read the 3rd time and finally passed.

Senator Childers was recognized to close.

President Pro Tem Kinder referred SS for SCS for HCS for HBs 795, 972, 1128 and 1161, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred SS for SCS for SBs 1221 and 1305 to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred SCR 49 to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Shields moved that SCS for SB 1160, with HS for HCS, be taken up for 3rd reading and final passage, which motion prevailed.

HS for HCS for SCS for SB 1160, entitled:

HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1160

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program, with penalty provisions.

Was taken up.

Senator Shields moved that HS for HCS for SCS for SB 1160 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Table with 4 columns of names: Bartle, Cauthorn, Coleman, Foster, Gross, Klindt, Quick, Steelman, Bray, Champion, Days, Gibbons, Jacob, Loudon, Russell, Vogel, Callahan, Childers, Dolan, Goode, Kennedy, Mathewson, Scott, Wheeler, Caskey, Clemens, Dougherty, Griesheimer, Kinder, Nodler, Shields, Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Stoll—2

On motion of Senator Shields, HS for HCS for SCS for SB 1160 was read the 3rd time and passed by the following vote:

YEAS—Senators

Table with 4 columns of names: Bartle, Cauthorn, Coleman, Foster, Gross, Klindt, Quick, Steelman, Bray, Champion, Days, Gibbons, Jacob, Loudon, Russell, Vogel, Callahan, Childers, Dolan, Goode, Kennedy, Mathewson, Scott, Wheeler, Caskey, Clemens, Dougherty, Griesheimer, Kinder, Nodler, Shields, Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Stoll—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Klindt moved that SS for SCS for SBs 740, 886 and 1178, with HCS, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Gross assumed the Chair.

HCS for SS for SCS for SBs 740, 886 and 1178, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 740, 886 and 1178

An Act to repeal sections 148.330, 263.534, 267.470, 267.472, 267.475, 267.480, 267.485,

267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, 348.406, 348.410, 348.412, 348.430, and 348.432, RSMo, and to enact in lieu thereof eleven new sections relating to agriculture programs.

Was taken up.

Senator Klindt moved that **HCS** for **SS** for **SCS** for **SBs 740, 886 and 1178**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Jacob—1

Absent with leave—Senators

Bland Stoll—2

On motion of Senator Klindt, **HCS** for **SS** for **SCS** for **SBs 740, 886 and 1178**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Stoll—2

Senator Bartle assumed the Chair.

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

**HOUSE BILLS ON THIRD READING**

Senator Childers moved that **SCS** for **HBs 1071, 801, 1275 and 989** be called from the Consent Calendar and again taken up for 3rd reading and final passage.

On motion of Senator Childers, **SCS** for **HBs 1071, 801, 1275 and 989** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

Bland Dougherty Stoll—3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell



Shields      Steelman      Vogel      Wheeler  
Yeckel—29

NAYS—Senators—None

Absent—Senators

Quick      Scott—2

Absent with leave—Senators

Bland      Dougherty      Stoll—3

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

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

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

**HB 938**, with **SCS**, introduced by Representative Luetkemeyer, entitled:

An Act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts.

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

**SCS** for **HB 938**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 938

An Act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts, with an expiration date and an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **HB 938** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HB 938** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle      Bray      Callahan      Caskey  
Cauthorn      Champion      Childers      Clemens  
Coleman      Days      Dolan      Foster  
Gibbons      Goode      Griesheimer      Gross  
Jacob      Kennedy      Kinder      Loudon  
Mathewson      Nodler      Quick      Scott  
Shields      Steelman      Vogel      Wheeler  
Yeckel—29

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Bland      Dougherty      Russell      Stoll—4

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle      Bray      Callahan      Caskey  
Cauthorn      Champion      Childers      Clemens  
Coleman      Days      Dolan      Dougherty  
Foster      Gibbons      Griesheimer      Gross  
Jacob      Kennedy      Kinder      Klindt  
Loudon      Mathewson      Nodler      Quick  
Scott      Shields      Steelman      Vogel  
Wheeler      Yeckel—30

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland      Goode      Russell      Stoll—4

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

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

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

**HS** for **HCS** for **HB 1290**, with **SCS**, introduced by Representative Portwood, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to contributions to certain nonprofit organizations with a health-related mission.

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

**SCS** for **HS** for **HCS** for **HB 1290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1290

An Act to amend chapter 143, RSMo, by

adding thereto one new section relating to contributions to certain nonprofit organizations with the cure of a chronic illness as its primary purpose.

Was taken up.

Senator Steelman moved that **SCS** for **HS** for **HCS** for **HB 1290** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **HS** for **HCS** for **HB 1290** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Stelman	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland	Goode	Russell	Stoll—4
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The President declared the bill passed.

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

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

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

**CONCURRENT RESOLUTIONS**

Senator Yeckel moved that **SCR 44** be taken up for adoption, which motion prevailed.

On motion of Senator Yeckel, **SCR 44** was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster

Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Stelman	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland	Dougherty	Goode	Russell
Stoll—5			

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1021**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1109**, entitled:

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to wearing protective headgear while operating a motorcycle or motortricycle, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 1339**, entitled:

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion information, regulations, and services for minors, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 1599**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to a joint committee on waste, fraud, and abuse.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **HB 1150**, entitled:

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-two new sections relating to ethics, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## RESOLUTIONS

Senator Bland offered Senate Resolution No. 1836, regarding the late Claude "Fiddler" Williams, which was adopted.

Senator Bland offered Senate Resolution No. 1837, regarding Cheryl Brown Henderson and the staff of the Jackson County Chapter of the Links, Incorporated, which was adopted.

Senator Bland offered Senate Resolution No. 1838, regarding the Bruce R. Watkins Cultural Heritage Center and Museum, which was adopted.

Senator Scott offered Senate Resolution No. 1839, regarding the City of Stockton, which was adopted.

Senator Shields offered Senate Resolution No. 1840, regarding Adam S. Kerner, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1841, regarding Franklin R. Jarrett, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1842, regarding Matthew Scott Insko, St. Joseph, which was adopted.

Senator Foster offered Senate Resolution No. 1843, regarding the Ninetieth Birthday of Helen Summers, Bernie, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, thirty-two eighth grade students from St. Lawrence the Martyr Catholic School, Bridgeton; and Megan Kramer, Michele Yates, Jonathan Compton and Patrick Kreitler were made honorary pages.

Senator Wheeler introduced to the Senate, Girl Scout Troop 5660 from St. Peter's Catholic School, Kansas City; and Julia Knight, Marissa Naggi, Montaya Jones, Maggie Bradford, Haley Fosnough-Biersmith, Katie McCalla, Katie Pautler, Helen Stanley, Sarah Schulte, Claire McDonald, Maura Porter, Ashley Rard, Dagny Heinsohn, Molly O'Boyle, Margaret Haake, Brittany Green, Christine Jonte, Samantha Cusumano and Lena Johnson were made honorary pages.

Senator Kinder introduced to the Senate, Joe and Lelia Fix, Sikeston and Becky Fix, Springfield.

Senator Griesheimer introduced to the Senate, the Physician of the Day, Dr. Todd Craig, M.D.

and his wife, Brenda, Washington.

Senator Kinder introduced to the Senate, sixty fourth grade students and adults from Clippard Elementary School, Cape Girardeau.

Senator Cauthorn introduced to the Senate, Dwight and Judy Hart, and Dennis Brawner, Adair County.

Senator Russell introduced to the Senate, G.T. Carr and his daughter, Allison, Lebanon; and Allison was made an honorary page.

Senator Klindt introduced to the Senate, twenty-one eighth grade students from Nodaway-

Holt R-VII School.

Senator Shields introduced to the Senate, students from Truman Middle School, St. Joseph.

Senator Shields introduced to the Senate, his son, Brice, St. Joseph.

Senator Loudon introduced to the Senate, students from Claymont Elementary School, St. Louis County.

On motion of Senator Gibbons, the Senate adjourned until 12:30 p.m., Monday, May 3, 2004.

#### SENATE CALENDAR

Unofficial

SIXTY-THIRD DAY—MONDAY, MAY 3, 2004

#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HS for HB 1021-Bearden

HB 1109-Crawford, et al

HS for HB 1339-Cunningham (86)

HS for HB 1599-Ervin

HS for HCS for HB 1150-May

#### THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-  
Kinder (In Fiscal Oversight)

Copy

#### SENATE BILLS FOR PERFECTION

SB 1185-Gross

#### HOUSE BILLS ON THIRD READING

1. HS for HCS for HB 978-Baker  
(Yeckel) (In Fiscal Oversight)

2. HCS for HB 959, with SCS (Yeckel)

3. HB 1493-Emery, et al, with SCS (Steelman)

4. HCS for HB 1288, with SCS  
(Griesheimer)

5. HCS for HB 1040 & HCS for HB 1041, with SCS (Nodler) (In Fiscal Oversight)
6. HS for HCS for HBs 1268 & 1211-Smith (118), with SCS (Loudon) (In Fiscal Oversight)
7. HCS for HB 1177, with SCS (Cauthorn)
8. HCS for HB 980 (Klindt)
9. HCS for HB 1115 (Gross)
10. HCS for HBs 998 & 905 (Griesheimer)
11. HCS for HB 833, with SCS (Vogel)
12. HCS for HB 898, with SCS (Shields)
13. HCS for HBs 946, 1106 & 952, with SCS (Dolan)
14. HS for HB 1487-Self (Scott)
15. HCS for HB 1055 (Vogel) (In Fiscal Oversight)
16. HCS for HB 1215, with SCS (Bartle)
17. HS for HCS for HB 1207-Icet
18. HS for HB 1193-Self, with SCS (Loudon)
19. HCS for HB 1278, with SCS (Loudon)
20. HCS for HB 1209 (Kinder)
21. HCS for HBs 1074 & 1129, with SCS (Kinder)
22. HCS for HB 1439 (Dolan)
23. HCS for HB 1617
24. HB 1664-Hanaway, et al (Bartle)
25. HS for HCS for HB 1511-Byrd
26. HS for HCS for HB 1453-Hanaway, with SCS (Shields)

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 728-Steelman, with SCS   | SB 990-Loudon, with SCS  |
| SB 735-Foster, et al, with SCS  | SB 1037-Steelman and Stoll, with SCS   |
| SBs 738 & 790-Loudon, with SCS & SS for SCS (pending)                                   | SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS, SS for SCS, SA 2 & SA 2 to SA 2 (pending) |
| SS for SS for SCS for SB 755-Shields  | SB 1124-Goode and Steelman, with SCS   |
| SBs 774 & 915-Wheeler, with SCS   | SB 1128-Cauthorn, with SCS   |
| SB 787-Childers, with SCS, SA 1 & SSA 1 for SA 1 (pending)                              | SB 1132-Steelman, et al, with SCS  |
| SB 809-Klindt, with SCS, SS for SCS & SA 2 (pending)                                    | SB 1138-Bartle   |
| SB 817-Kennedy and Griesheimer, with SCS  | SB 1159-Foster and Dougherty   |
| SB 856-Loudon, with SCS, SS for SCS, SS for SS for SCS, SA 2 & SSA 1 for SA 2 (pending) | SB 1180-Shields and Kinder, with SCS   |
| SB 906-Foster, with SCS, SS for SCS & SA 2 (pending)                                    | SB 1198-Russell, with SCA 1  |
| SBs 908 & 719-Cauthorn, with SCS  | SB 1213-Steelman and Gross, with SCS   |
| SB 933-Yeckel, et al  | SB 1227-Russell, et al, with SCS   |
| SB 989-Gross, et al, with SCS (pending)   | SB 1232-Clemens, et al, with SCS (pending)   |
|   | SB 1234-Mathewson and Childers, with SCS, SS for SCS, SA 4 & point of order (pending)                        |
|   | SB 1254-Klindt, with SCS   |
|   | SB 1277-Yeckel, with SCS   |

SBs 1332 & 1341-Caskey and Mathewson,  
with SCS  
SB 1355-Days  
SB 1366-Yeckel, with SCS  
SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel  
SJR 26-Yeckel  
SJR 40-Stoll  
SJR 41-Kinder, et al, with SCS

### HOUSE BILLS ON THIRD READING

SS for SCS for HCS for HBs 795, 972,  
1128 & 1161 (Childers) (In Fiscal Oversight)  
HB 969-Cooper, et al, with SA 1  
(pending) (Bartle)  
HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott) (In  
Fiscal Oversight)  
HS for HCS for HB 1566-Stefanick, with  
SCS, SS for SCS, SS for SS for SCS,  
SA 1 & SSA 1 for SA 1 (pending) (Cauthorn)

Unofficial  
CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Journal  
Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)  
HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS  
(Vogel)

HB 1187-Ervin, et al (Quick)  
HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)  
 HB 1377-Sutherland, et al (Griesheimer)  
 HB 1398-Lager (Klindt)  
 HB 1407-Mayer and Villa (Dolan)  
 HCS for HB 1456 & HB 824, with SCS (Foster)

HB 1494-Ervin (Quick)  
 HBs 1613, 1445, 1454, 1462, HCS for  
 HB 1471, HBs 1608, 1612 & 1635-  
 Morris, with SCS (Champion)

## Reported 4/14

HB 1603-Lager (Klindt)  
 HCS for HBs 1529 & 1655 (Griesheimer)  
 HCS for HB 1136, with SCS (Dolan)  
 HCS for HB 1422 (Cauthorn)  
 HCS for HB 1171 (Klindt)  
 HB 1259-Threlkeld (Griesheimer)  
 HB 1126-Seigfreid, et al (Mathewson)  
 HCS for HB 1198 (Loudon)  
 HB 1502-Wilson (42), et al (Wheeler)  
 HB 1217-Johnson (47), et al, with SCS  
 (Wheeler)  
 HB 1572-St. Onge, et al (Loudon)  
 HCS for HB 1614 (Steelman)  
 (In Fiscal Oversight)

HCS for HB 1253, with SCS (Loudon)  
 HB 884-Ward (Loudon)  
 HCS for HB 1233 (Griesheimer)  
 HCS for HB 1090 (Quick)  
 HB 1440-Deeken, with SCS (Scott)  
 HB 1508-Baker (Bartle)  
 HCS for HB 1660, with SCS (Klindt)  
 HB 1616-Hanaway, et al (Gibbons)  
 HB 1444-Moore, et al (Vogel)  
 HCS for HB 988 (Bartle)  
 HB 1634-Behnen, with SCS (Gross)

## Journal

## Reported 4/15

HB 1317-Kingery, et al (Gibbons)  
 HCS for HB 1405 (Callahan)  
 HB 1114-Skaggs (Loudon)  
 HB 1167-Kelly (144), et al (Clemens)  
 HCS for HB 1284 (Dolan)  
 HCS for HB 912 (Goode)  
 HCS for HB 1449 (Vogel)  
 HB 1149-May, et al (Steelman)  
 HB 1442-Lipke, et al (Kinder)  
 HB 960-Roark, with SCS (Champion)  
 HBs 1029, 1438 & 1610-Henke, with SCS  
 (Dolan)  
 HB 826 & HCS for HB 883-Kelley (144),  
 with SCS (Russell)  
 HBs 996, 1142, HCS for HB 1201 &  
 HB 1489-Dusenberg, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 & HCS  
 for HB 1280-Bivins, with SCS (Yeckel)  
 HCS for HB 1179 (Days)  
 HCS for HBs 1631 & 1623 (Champion)  
 HCS for HB 798, with SCS (Klindt)  
 HB 1364-Bishop, et al, with SCS (Quick)  
 HB 1188-Lipke, et al, with SCS (Bartle)  
 HB 904-Luetkemeyer (Vogel)  
 HB 1427-Portwood (Wheeler)  
 HB 994-Cunningham (145), et al (Scott)  
 HB 869-Townley, et al (Caskey)  
 HCS for HB 1192, with SCS (Cauthorn)  
 HB 1048-Parker, et al (Klindt)

## SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 1081-Kinder, et al,  
with HS for HCS, as amended

SS for SCS for SB 1099-Gibbons, with HS  
for HCS, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

SB 739-Klindt, with HCS, as amended  
HS for HCS for HB 1002-Bearden, with  
SCS, as amended (Russell)  
HS for HCS for HB 1003-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1004-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1005-Bearden, with  
SCS, as amended (Russell)  
HS for HCS for HB 1006-Bearden, with  
SCS (Russell)

HS for HCS for HB 1007-Bearden, with  
SCS, as amended (Russell)  
HS for HCS for HB 1008-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1009-Bearden, with  
SCS (Russell)  
HS for HCS for HB 1010-Bearden, with  
SCS, as amended (Russell)  
HS for HCS for HB 1011-Bearden, with  
SCS, as amended (Russell)  
HS for HCS for HB 1012-Bearden, with  
SCS, as amended (Russell)

## RESOLUTIONS

## Reported from Committee

SCR 45-Dougherty  
SCR 46-Gross

HCR 10-Myers (Klindt)  
HCR 12-Kelly (36) (Mathewson)