

# Journal of the Senate

SECOND REGULAR SESSION

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SIXTY-EIGHTH DAY—MONDAY, MAY 10, 2004

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The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“...let us run with perseverance the race that is set before us.”

(Hebrews 12:1b)

Gracious God, we begin the race to the deadline that looms before us with many a bill to discuss and decisions to make. Grant us the wisdom and discernment that we will need this week to distinguish what is truly needful and important and help us deal with each other with consideration and graciousness as You graciously deal with us. 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 for Friday, May 7, 2004, 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	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator Coleman—1

The Lieutenant Governor was present.

Senator Gibbons requested unanimous consent of the Senate to correct the Senate Journal for Thursday, May 6, 2004, Page 1364, Column 2, Line 6, by removing the signature indication that appears by Senator Dougherty's name, which request was granted.

## PRIVILEGED MOTIONS

Senator Loudon moved that the Senate refuse to concur in **HCS** for **SB 1299** and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Loudon moved that the Senate refuse to concur in **HS** for **SB 932**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

President Maxwell assumed the Chair.

Having voted on the prevailing side, Senator Loudon moved that the vote by which the Senate refused to concur in **HCS** for **SB 1299**, requested the House to recede from its position or grant conference was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Coleman—2

At the request of Senator Loudon, his previous motion on **SB 1299**, with **HCS**, was withdrawn, which placed the bill back on the Calendar.

Senator Vogel moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 1055**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Childers moved that **SB 1259**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 1259**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1259

An Act to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to temporary boater education permits.

Was taken up.

Senator Childers moved that **HCS** for **SB 1259** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Coleman—2

On motion of Senator Childers, **HCS** for **SB 1259** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Coleman—2

The President declared the bill passed.

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.

Bill ordered enrolled.

**HOUSE BILLS ON THIRD READING**

**HB 1603**, introduced by Representative Lager, entitled:

An Act to reenact section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session for the sole purpose of the republication of 135.766.

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

On motion of Senator Klindt, **HB 1603** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senators

Bland Coleman—2

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.

**HCS for HBs 1529 and 1655**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to tax increment financing.

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

On motion of Senator Griesheimer, **HCS for HBs 1529 and 1655** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Coleman—2

The President declared the bill passed.

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

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

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

**HCS for HB 1422**, entitled:

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to dentists.

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

On motion of Senator Cauthorn, **HCS for HB 1422** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senator Coleman—1

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.

**HCS** for **HB 1171**, entitled:

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility projects.

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

On motion of Senator Klindt, **HCS** for **HB 1171** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

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.

**HB 1259**, introduced by Representative Threlkeld, entitled:

An Act to repeal section 301.562, RSMo, and to enact in lieu thereof one new section relating to the licensure of motor vehicle dealers and manufacturers.

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

On motion of Senator Griesheimer, **HB 1259** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

The President declared the bill passed.

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

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

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

**HCS** for **HB 1198**, entitled:

An Act to repeal section 382.210, RSMo, and to enact in lieu thereof one new section relating to extraordinary dividends for insurance holding

companies.

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

On motion of Senator Loudon, **HCS** for **HB 1198** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

The President declared the bill passed.

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.

**HB 1502**, introduced by Representative Wilson (42), et al, entitled:

An Act to repeal sections 169.270, 169.291, 169.295, 169.311, 169.313, 169.322, 169.324, and 169.328, RSMo, and to enact in lieu thereof seven new sections relating to school employee retirement.

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

On motion of Senator Wheeler, **HB 1502** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

The President declared the bill passed.

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

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

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

**HCS** for **HB 1614**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the repeal of the expiration date for certain mental health insurance statutes.

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

On motion of Senator Steelman, **HCS** for **HB 1614** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

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.

**HCS for HB 1233**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

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

On motion of Senator Griesheimer, **HCS for HB 1233** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators

Caskey	Kennedy	Quick—3
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Absent—Senator Dolan—1

Absent with leave—Senator Coleman—1

The President declared the bill passed.

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

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

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

**HCS for HB 1090**, entitled:

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to property insurance for real property transferring upon death.

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

On motion of Senator Quick, **HCS for HB 1090** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

The President declared the bill passed.

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

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

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

**HB 1508**, introduced by Representative Baker, entitled:

An Act to repeal section 301.472, RSMo, and to enact in lieu thereof one new section relating to Kansas City Chiefs' license plates.

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

On motion of Senator Bartle, **HB 1508** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

The President declared the bill passed.

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

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

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

**HB 1444**, introduced by Representative Moore, et al, entitled:

An Act to repeal section 21.190, RSMo, relating to legislative committees.

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

On motion of Senator Vogel, **HB 1444** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

The President declared the bill passed.

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

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

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

**HCS for HB 988**, entitled:

An Act to repeal section 115.607, RSMo, and to enact in lieu thereof one new section relating to county political party committee representation.

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

On motion of Senator Bartle, **HCS for HB 988** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator Coleman—1

The President declared the bill passed.

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

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

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

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

**RECESS**

The time of recess having expired, the Senate was called to order by President Maxwell.

The Senate paused for a moment of silence in memory of Gloria Northway.

**RESOLUTIONS**

Senator Klindt offered Senate Resolution No. 1918, regarding Michael Ormsby, Princeton, which was adopted.

Senator Klindt offered Senate Resolution No. 1919, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Stufflebean, Brookfield, which was adopted.

Senator Klindt offered Senate Resolution No. 1920, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Ronald Markt, Oregon, which was adopted.

Senator Klindt offered Senate Resolution No. 1921, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Hutson, Bolckow, which was adopted.

Senator Klindt offered Senate Resolution No. 1922, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Lozuaway, Bucklin, which was adopted.

Senator Klindt offered Senate Resolution No. 1923, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Junior Tomes, Ridgeway, which was adopted.

Senator Klindt offered Senate Resolution No. 1924, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sammy Joe Lewellen, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1925, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Tipton, Galt, which was adopted.

Senator Klindt offered Senate Resolution No. 1926, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy Shockey, Chillicothe, which was adopted.

Senator Yeckel offered Senate Resolution No. 1927, regarding Emily Peurrung, which was

adopted.

**HOUSE BILLS ON THIRD READING**

**HS** for **HB 1409**, with **SCS**, introduced by Representative Dempsey, entitled:

An Act to repeal sections 32.105, 32.110, 71.620, 100.710, 135.208, 135.209, 135.215, 135.530, 144.030, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to economic development projects.

Was taken up by Senator Mathewson.

**SCS** for **HS** for **HB 1409**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 1409**

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 32.105, 32.110, 67.1401, 67.1461, 67.1545, 71.620, 100.255, 100.260, 100.263, 100.270, 100.275, 100.281, 100.286, 100.710, 135.207, 135.215, 135.530, 163.036, 620.472, 620.474, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, and 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof fifty-four new sections relating to economic development projects, with penalty provisions.

Was taken up.

Senator Mathewson moved that **SCS** for **HS**



for **HB 1409** be adopted.

Senator Mathewson offered **SS** for **SCS** for **HS** for **HB 1409**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 1409

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 32.105, 32.110, 67.1401, 67.1461, 67.1545, 71.620, 100.255, 100.260, 100.270, 100.275, 100.281, 100.710, 135.207, 135.215, 135.530, 620.472, 620.474, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, and 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-eight new sections relating to economic development projects, with penalty provisions.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HB 1409** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 118, Section 190.304, Line 8, by inserting after all of said line the following:

“324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number

of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be [revoked] **suspended** within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. **The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied.** Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 115, Section 190.304, Line 5 of said page by inserting immediately after the word “a” as it appears the second time on said line, the following: **“county of the third classification without a township form of government and with more than thirty-four thousand but less than thirty-four thousand one hundred inhabitants, a county of the third classification without a township form of government and with more than thirty-five thousand two hundred but less than thirty-five thousand three hundred inhabitants, or a”**; and

Further amend said section, page 116, line 19 of said page, by inserting immediately after the word “section” the following: “, **which shall not exceed the rate currently levied for wireline services pursuant to section 190.305,**”.

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

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 123, Section 620.1039, Line 11 of said page, by inserting immediately after said line the following:

**“Section 1. Services, other than exchange access service, of a company regulated under section 392.245 shall be classified as competitive in any exchange where such company or its affiliate provides broadband service to customers located within fourteen thousand cable feet of the serving central office.”; and**

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Klindt raised the point of order that **SA 3** is out of order as it is not germane and goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Gross, **SA 3** was withdrawn, rendering the point of order moot.

Senator Champion offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 120, Section 620.484, Line 20, by inserting after all of said line the following:

“620.602. 1. There is established a permanent joint committee of the general assembly to be

known as the “Joint Committee on Economic Development Policy and Planning” to be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house, appointed by the speaker of the house. No more than three members of the senate and three members of the house shall be from the same political party. The appointment of members shall continue during their terms of office as members of the general assembly or until successors have been duly appointed to fill their places when their terms of office as members of the general assembly have expired. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses for attending the meetings of the committee, to be paid out of the committee's appropriations or the joint contingent fund.

2. The joint committee on economic development policy and planning shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. These positions shall rotate [annually] **biennially** between a member of the senate and a member of the house of representatives. **At the outset of each biennial rotation the presiding officer of the appropriate house of the general assembly charged with providing a chairman shall appoint the chairman and the presiding officer of the other house shall appoint the vice chairman. For the purpose of this subsection “presiding officer” shall mean either the president pro tem of the senate or the speaker of the house of representatives.** The committee shall regularly meet at least quarterly. A majority of the members of the committee shall constitute a quorum. The committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the committee's appropriations or the joint contingent fund.

3. The joint committee on economic

development policy and planning shall, at its regular meetings, confer with representatives from the governor's office, the department of economic development, the University of Missouri extension service, and other interested parties from the private and public sectors. The joint committee shall review the annual report produced by the department of economic development, as required by section 620.607, and plan, develop and evaluate a long-term economic development policy for the state of Missouri to ensure the state's competitive status with other states.

4. The provisions of this section shall expire on July 1, 2010.”; and

Further amend the title and enacting clause accordingly.

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

Senator Days offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 105, Section 178.980, Line 6, by inserting after the word “universities” the following: “community-based not-for-profit organizations that are accredited by the Council on Accreditation for Rehabilitation Facilities (CARF) that provide job training and other related services.”.

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

Senator Caskey offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 118, Section 190.304, Line 8, by inserting immediately after said line the following:

“260.830. 1. Any county of the third classification or [any county of the second classification with more than forty-eight thousand

two hundred but less than forty-eight thousand three hundred inhabitants or] any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants may, by a majority vote of its governing body, impose a landfill fee pursuant to this section and section 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a landfill fee of ..... (insert amount of fee per ton or volumetric equivalent of solid waste)?

[ ] 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 order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. **With the exception of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants,** if an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 2003, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county, **except in the case of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants, wherein the funds shall be credited to the county general revenue fund to be expended as prescribed by the county governing body.** Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall

be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered SA 7:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 84, Section 135.546, Line 27, by inserting immediately after said line the following:

**“135.562. 1. This section shall be known and may be cited as the “Accessible Home Tax Credit Program”.**

**2. As used in this section, the following terms mean:**

(1) **“Department”, the department of revenue;**

(2) **“Director”, the director of the department of revenue;**

(3) **“Disability”, a physical impairment which substantially limits one or more of a person's major life activities;**

(4) **“Tax liability”, the tax due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo; and**

(5) "Taxpayer", any non-corporate taxpayer.

3. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year and shall be subject to appropriation.

4. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per tax year. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year.

5. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars. The tax credits issued pursuant to this subsection will be on a first-come, first-served filing basis.

6. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;

(6) Installing stairway lifts;

(7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;

(8) Modifying hardware of doors; or

(9) Modifying bathrooms.

7. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by one-third to the extent a taxpayer has already deducted such costs from such taxpayer's federal adjusted gross income or applied any other state or federal income tax credit to such costs.

8. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed.

9. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. 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. The provisions of this section shall apply to all tax years beginning on or after January 1, 2005.

11. The provisions of this section shall expire December 31, 2010."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Gibbons offered SA 1 to SA 7, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 3, Section 135.562, Line 27 of said page, by inserting after all of said line the following: **“The tax credit enacted by this section shall be classified as a housing credit, and shall be subject to the tax credit accountability act of 2004 as such.”**

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

SA 7, as amended, was again taken up.

Senator Goode raised the point of order that SA 7, as amended, is out of order as it goes beyond the scope and purpose of the bill.

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

Senator Steelman offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 118, Section 190.304, Line 8, of said page, by inserting immediately after said line the following:

**“196.1104. 1. Beginning in fiscal year 2007, the president of any public university in the state of Missouri shall be authorized to present to the life sciences research board on behalf of any campus within its system:**

**(1) A commitment from any budgetary sources other than the state, including but not limited to private, federal, earned income, or other sources, to pay to the public university a minimum of two million dollars as an endowment or one hundred thousand dollars a year for a minimum of twenty years toward the funding of an academic position within the**

**health and science fields, to be designated as an “Endowed Research Chair (ERC)”;** and

**(2) A commitment from the university, including any of its separate campuses, to pay a minimum of one hundred thousand dollars each year for the ERC position described in subdivision (1) of this subsection for the same length of payment term for which the budgetary sources other than the state have committed to under subdivision (1) of this subsection for the ERC position;**

**(3) Following the commitments in subdivisions (1) and (2) of this subsection have been made, the life sciences research board shall review the commitments and subject to board approval shall pay to the university from the life sciences research trust fund one hundred thousand dollars each year for the same payment term committed to by budgetary sources other than the state under subdivision (1) of this subsection toward the funding of the ERC position. The life sciences research board shall also commit from the life sciences research fund a one-time disbursement of research and programmatic start-up moneys of five hundred thousand dollars over a two-year period beginning with the hiring of the ERC position. Such one-time disbursement shall include, and not be in addition to, the one hundred thousand dollar a year payment authorized under this subdivision.**

**The commitments in subdivisions (1) and (2) of this subsection shall be evidenced by a notarized letter of intent and the establishment of an escrow account containing at least ten percent of the total commitment of moneys by the nonstate entity or university under this subsection.**

**2. The life sciences research board shall not be required to provide the matching moneys described in subdivision (3) of subsection 1 of this section in an amount exceeding ten million dollars in any single fiscal year. If at any time the commitment of moneys in subdivisions (1) and (2) of subsection 1 of this section are not**

fulfilled by either the nonstate entity or the university, the commitment of moneys under subdivision (3) of subsection 1 of this section by life sciences research board shall terminate.

3. When the president of any public university of this state receives the commitments from budgetary sources other than the state under subdivision (1) of subsection 1 of this section from a campus of the university, the life sciences research board or, if the funding commitment is made prior to the appointment of any member of the board, the president of the university shall take note thereon of the date and time of the receipt of such funding commitment and the life sciences research board shall provide its matching moneys under subdivision (3) of subsection 1 of this section for ERC positions in the order in which funding commitments are received.

4. Any public university of this state, or any other qualified entity that has a formal contract with such public university of this state for such purposes, shall hold the matching moneys provided by the life sciences research board for the funding of an ERC position and any science research conducted under the direction of the ERC and shall not spend, loan, or encumber such matching moneys for any other purpose.

5. Within ninety days of receipt of the commitments in subsection 1 of this section and annually thereafter, any public or private entity may submit a proposal for science research to be conducted under the direction of an ELSCR funded by this section. Commitments made under subdivisions (1) and (2) of subsection 1 of this section may be made in conjunction with such entities desiring to submit proposals under this subsection. The life sciences research board shall establish criteria for selecting proposals competitively.

6. Any moneys withdrawn from the life sciences research trust fund but not expended under this section shall be distributed in accordance with the provisions of sections 196.1100 to 196.1130. All moneys that are

derived from federal, state, or local taxes, from loans or grants of any federal, state, or local government or governmental authority, from loans or grants of a federal or state institution, instrumentality, or agency, from the proceeds of bonds issued by any public authority, from intergovernmental transfers, and from the adjudication or settlement of any claims or causes of action pursued by a federal, state, or local government or any agency thereof, shall be treated as if appropriated to the life sciences research board pursuant to sections 196.1100 to 196.1124, and shall be subject to the provisions of subsections 2 to 5 of section 196.1127.

7. Moneys expended pursuant to this section shall be used only for research on the following subjects: bioinformatics, bioprocess engineering, environmental engineering, environmental sciences, biosensor/bioinstrumentation, biomechanics and assistive technology, biomaterials, and biomathematics/biostatistics.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Mathewson raised the point of order that SA 8 is out of order as it goes beyond the scope and purpose of the bill.

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

SA 8 was again taken up.

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

Senator Shields offered SA 9:

#### SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 24, Section 32.110, Line 12, of said page, by inserting immediately after 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.

**64.952. The Kansas and Missouri Metropolitan Kansas City Sports Complex Authority Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:**

**KANSAS AND MISSOURI  
METROPOLITAN KANSAS CITY  
SPORTS COMPLEX AUTHORITY  
COMPACT**

**ARTICLE I. AGREEMENT AND PLEDGE**

**The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the conversion of the Jackson County Sports Complex Authority into the Metropolitan Kansas City Sports Complex Authority should the former become a recipient of contributions from a bistrate retail sales tax levied by the Metropolitan Culture District heretofore established pursuant to a compact of said states.**

**ARTICLE II. PURPOSE**

**The party states, having heretofore entered into a compact authorizing the creation of a Metropolitan Culture District that may make contributions from a bistrate retail sales tax levied by the District for or in aid of cultural facilities, including those operated or used for sports, in counties which are part of the District, and desiring to provide Kansas counties in which such tax is levied a governance and oversight role should contributions from such tax be made for or in aid of the sports stadium facilities owned and operated by the Jackson County Sports Complex Authority, the purpose of this compact is to provide such a governance and oversight role.**

**ARTICLE III. CONVERSION**

If the Jackson County Sports Complex Authority becomes a recipient of contributions to be made by the Kansas and Missouri Metropolitan Culture District created pursuant to section 70.500, RSMo, from a bistate retail sales tax levied by such District in at least Johnson County, Kansas and Jackson County, Missouri for the purposes of planning, constructing, equipping, repairing, extending or improving sports stadium facilities then owned and operated by the Authority or for the payment of principal of or interest on bonds or notes to be issued by the Authority for such purposes, the Authority shall, effective upon the later of (i) the first day of the calendar quarter following the authorization of the levy of such tax in both Johnson County, Kansas and Jackson County, Missouri or (ii) the effective date of this compact pursuant to Article VI, become the Metropolitan Kansas City Sports Complex Authority, and the Jackson County Legislature and Executive shall issue such orders and make such filings in the offices of the governor of Missouri, the secretary of state of Missouri and elsewhere as may be necessary or appropriate to evidence such name change and the other changes made by this compact.

#### ARTICLE IV. THE AUTHORITY; POWERS; COMMISSIONERS

The Metropolitan Kansas City Sports Complex Authority shall continue to be a body corporate and politic and a political subdivision of the state of Missouri and shall be governed by, have all the powers provided in, and be subject to all of the provisions of sections 64.920 to 64.950, and other applicable Missouri law in effect upon the effective date of this compact that are not inconsistent with this compact. Those individuals currently serving unexpired terms as a commissioner of the County Sports Complex Authority at the enactment of this compact shall serve as a Missouri commissioner of the Kansas and Missouri Metropolitan Kansas City Sports Complex Authority for the full duration of his or her term as established by 64.930, RSMo. Thereafter, the five Missouri

commissioners to the authority pursuant to 64.930, RSMo, shall be chosen as provided therein. In addition, however, to those commissioners, there shall be appointed to the Metropolitan Kansas City Sports Complex Authority one commissioner from each county in which such bistate retail sales tax is levied having a population less than three hundred thousand and two commissioners from each such county (other than Jackson County, Missouri) having a population greater than three hundred thousand, provided that there shall be three commissioners from Johnson County, Kansas if such bistate retail sales tax is not levied in any other county in Kansas. Each additional commissioner shall be appointed by the governing body of the county for which such commissioner is appointed, shall be a qualified voter and a resident of such county, shall not be an elected or appointed official of such county, any political subdivision or state, shall hold office for a term of five years or the unexpired term of any predecessor, and shall be compensated and reimbursed as provided in subsection 5 of section 64.930. No commissioner shall continue to serve beyond the expiration of that commissioner's term. Any vacancy that exists with respect to an additional commissioner shall be filled in the same manner and within thirty days from the date thereof. However, if no individual is appointed by the governing body to fill the position of commissioner within thirty days of the expiration of a term, the governor of Missouri shall have the authority to appoint with the advice and consent of the senate a Missouri commissioner to fill the vacancy. No action of the Metropolitan Kansas City Sports Complex Authority shall be binding unless taken at a meeting of which at least a majority of commissioners are present and unless a majority of the commissioners present at such meeting shall vote in favor thereof. Notwithstanding any other provisions of this compact to the contrary, the respective states' general assemblies may alter the manner in which a commissioner from their respective

**state to the authority is chosen, but may not alter the total number of commissioners.**

#### **ARTICLE V. EXISTENCE**

**A Metropolitan Kansas City Sports Complex Authority created pursuant to this compact shall exist for as long as any sports stadium facilities constructed, equipped, repaired, extended or improved with contributions from the bistate retail sales tax are owned by it or any bonds or notes issued by it, the principal of or interest on which is paid from such contributions, are outstanding.**

#### **ARTICLE VI. EFFECTIVE DATE; AMENDMENT; TERMINATION**

**This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri upon its enactment by the legislatures of the respective states. Amendments to this compact shall become effective upon enactment by the legislatures of the respective states. This compact shall continue in force and remain binding upon each of the party states until a legislature of a party state shall have entered a statute repealing it and sent formal written notice of such enactment to the legislature of the other party state.”; and**

Further amend said bill, page 103, Section 135.1075, Line 10 of said page, by inserting immediately after said line the following:

“143.183. 1. As used in this section, the following terms mean:

(1) “Nonresident entertainer”, a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for

entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) “Nonresident member of a professional athletic team”, a professional athletic team member who resides outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) “Personal service income” includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) “Professional athletic team” includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this

section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, [2015] **2029**, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, [sixty] **forty** percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. [Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year.] The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

6. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2029**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities

council trust fund, and shall be transferred from the general revenue fund to the Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2029**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

8. Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2029**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount

transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2029**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, [ten] **thirty** percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri [department of natural resources Missouri historic preservation revolving] **qualified fuel ethanol producer incentive** fund, and shall be transferred from the general revenue fund to the Missouri department of [natural resources Missouri historic preservation revolving] **agriculture to be deposited in the Missouri qualified fuel ethanol producer incentive** fund established in section

[253.402] **142.028**, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. **Forty percent of the amount deposited shall be immediately transferred to the Missouri qualified biodiesel producer incentive fund created pursuant to section 142.031, RSMo.** As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, no earlier than January 2, 2009; and the Missouri humanities council trust fund, no earlier than January 2, 2009.

**10. At least annually, prior to December 31, 2029, the commissioner of administration, for all fiscal years beginning on or after July 1, 2005, shall estimate the increase, relative to the amount collected for fiscal year 2005, to the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. Annually, the first ten million five hundred thousand dollars of such increase shall be allocated to the Jackson county sports complex, as established pursuant to sections 67.638 to 67.641, RSMo. Any such increase shall reduce, at a one-to-one ratio, the level of appropriation to the Jackson county sports complex from any general revenue source other than the provisions of this section, relative to the level of such appropriation in fiscal year 2005; any excess revenue shall be distributed pursuant to the provisions of subsections 5 to 9 of this section.**

**11. For all fiscal years following, and inclusive of, the first fiscal year in which the provisions of subsection 10 of this section cause**

**no general revenue, other than revenues derived from the provisions of this section, to be appropriated to the Jackson county sports authority, the Jackson county sports authority shall be funded solely by the non-resident entertainer and athletic team income tax pursuant to this section and shall no longer receive any other general revenue.**

**12. The moneys appropriated pursuant to subsection 10 of this section shall only be used for maintenance and repair of the existing facilities located at the Jackson county sports complex.”; and**

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Callahan offered **SSA 1 for SA 9:**

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 9**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 24, Section 32.110, Line 13 of said page, by inserting immediately after 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.

**64.952. The Kansas and Missouri Metropolitan Kansas City Sports Complex Authority Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:**

**KANSAS AND MISSOURI  
METROPOLITAN KANSAS CITY  
SPORTS COMPLEX AUTHORITY  
COMPACT**

**ARTICLE I. AGREEMENT AND PLEDGE**  
**The states of Kansas and Missouri agree to and**

pledge, each to the other, faithful cooperation in the conversion of the Jackson County Sports Complex Authority into the Metropolitan Kansas City Sports Complex Authority should the former become a recipient of contributions from a bistate retail sales tax levied by the Metropolitan Culture District heretofore established pursuant to a compact of said states.

#### ARTICLE II. PURPOSE

The party states, having heretofore entered into a compact authorizing the creation of a Metropolitan Culture District that may make contributions from a bistate retail sales tax levied by the District for or in aid of cultural facilities, including those operated or used for sports, in counties which are part of the District, and desiring to provide Kansas counties in which such tax is levied a governance and oversight role should contributions from such tax be made for or in aid of the sports stadium facilities owned and operated by the Jackson County Sports Complex Authority, the purpose of this compact is to provide such a governance and oversight role.

#### ARTICLE III. CONVERSION

If the Jackson County Sports Complex Authority becomes a recipient of contributions to be made by the Kansas and Missouri Metropolitan Culture District created pursuant to section 70.500, RSMo, from a bistate retail sales tax levied by such District in at least Johnson County, Kansas and Jackson County, Missouri for the purposes of planning, constructing, equipping, repairing, extending or improving sports stadium facilities then owned and operated by the Authority or for the payment of principal of or interest on bonds or notes to be issued by the Authority for such purposes, the Authority shall, effective upon the later of (i) the first day of the calendar quarter following the authorization of the levy of such tax in both Johnson County, Kansas and Jackson County, Missouri or (ii) the effective date of this compact pursuant to Article VI, become the Metropolitan Kansas City Sports

Complex Authority, and the Jackson County Legislature and Executive shall issue such orders and make such filings in the offices of the governor of Missouri, the secretary of state of Missouri and elsewhere as may be necessary or appropriate to evidence such name change and the other changes made by this compact.

#### ARTICLE IV. THE AUTHORITY; POWERS; COMMISSIONERS

The Metropolitan Kansas City Sports Complex Authority shall continue to be a body corporate and politic and a political subdivision of the state of Missouri and shall be governed by, have all the powers provided in, and be subject to all of the provisions of sections 64.920 to 64.950, and other applicable Missouri law in effect upon the effective date of this compact that are not inconsistent with this compact. Those individuals currently serving unexpired terms as a commissioner of the County Sports Complex Authority at the enactment of this compact shall serve as a Missouri commissioner of the Kansas and Missouri Metropolitan Kansas City Sports Complex Authority for the full duration of his or her term as established by 64.930, RSMo. Thereafter, the five Missouri commissioners to the authority pursuant to 64.930, RSMo, shall be chosen as provided therein. In addition, however, to those commissioners, there shall be appointed to the Metropolitan Kansas City Sports Complex Authority one commissioner from Platte County and one commissioner from Clay County and one commissioner from each city within the district with a population equal to or in excess of fifty thousand as established by the preceding federal census. Commissioners appointed by cities shall be the mayor of such city. Each additional commissioner shall be appointed by the governing body of the county for which such commissioner is appointed, shall be a qualified voter and a resident of such county or city, shall not be an elected or appointed official of such county or city, any political subdivision or state, shall hold office for a term of five years or the unexpired term of any predecessor, and shall be

compensated and reimbursed as provided in subsection 5 of section 64.930. No commissioner shall continue to serve beyond the expiration of that commissioner's term. Any vacancy that exists with respect to an additional commissioner shall be filled in the same manner and within thirty days from the date thereof. However, if no individual is appointed by the governing body to fill the position of commissioner within thirty days of the expiration of a term, the governor of Missouri shall have the authority to appoint with the advice and consent of the senate a Missouri commissioner to fill the vacancy. No action of the Metropolitan Kansas City Sports Complex Authority shall be binding unless taken at a meeting of which at least a majority of commissioners are present and unless a majority of the commissioners present at such meeting shall vote in favor thereof. Notwithstanding any other provisions of this compact to the contrary, the respective states' general assemblies may alter the manner in which a commissioner from their respective state to the authority is chosen, but may not alter the total number of commissioners.

#### ARTICLE V. EXISTENCE

A Metropolitan Kansas City Sports Complex Authority created pursuant to this compact shall exist for as long as any sports stadium facilities constructed, equipped, repaired, extended or improved with contributions from the bistrate retail sales tax are owned by it or any bonds or notes issued by it, the principal of or interest on which is paid from such contributions, are outstanding.

#### ARTICLE VI. EFFECTIVE DATE; AMENDMENT; TERMINATION

This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri upon its enactment by the legislatures of the respective states. Amendments to this compact shall become effective upon enactment by the legislatures of the respective states. This compact shall

continue in force and remain binding upon each of the party states until a legislature of a party state shall have entered a statute repealing it and sent formal written notice of such enactment to the legislature of the other party state.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above substitute amendment be adopted.

Senator Goode raised the point of order that SSA 1 for SA 9 and SA 9 are out of order as they go beyond the scope of the legislation before the body.

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

Senator Callahan offered SA 1 to SSA 1 for SA 9:

#### SENATE AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 11, Section 64.952, Line 17 of said page, by inserting after all of said line the following:

“Further amend page 103, Section 135.1075, line 10, by inserting after all of said line the following:

“143.183. 1. As used in this section, the following terms mean:

(1) “Nonresident entertainer”, a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is

paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) “Nonresident member of a professional athletic team”, a professional athletic team member who resides outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) “Personal service income” includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) “Professional athletic team” includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this

section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, [1999, but none after December 31, 2015, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

6. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred from the general revenue fund to the

Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

8. Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such

allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust

on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, no earlier than January 2, 2009; and the Missouri humanities council trust fund, no earlier than January 2, 2009.] **2005, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. Beginning in fiscal year 2006, the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the state highway and transportation development fund, and shall be transferred from the general revenue fund to the state highways and transportation department fund created in section 226.200, RSMo, and any amount transferred shall be in addition to such department's budget base for each fiscal year.**"; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Mathewson, **HS for HB 1409**, with **SCS, SS for SCS, SA 9, SSA 1 for SA 9 and SA 1 to SSA 1 for SA 9** (pending), was placed on the Informal Calendar.

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

**HS for HCS for HJRs 39, 38, 42 and 47**, introduced by Representative Engler, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the prohibition of same-sex

marriage.

Was taken up by Senator Steelman.

Senator Nodler assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Line 2, by inserting immediately after the word "woman" the following "**regardless of race, color or creed.**".

Senator Bray moved that the above amendment be adopted.

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

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

Amend House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Line 6, by inserting after said line the following: "No court of competent jurisdiction in this state shall grant a dissolution of marriage unless the party or parties thereto prove by clear and convincing evidence that adultery was committed by one or both parties."

Senator Caskey moved that the above substitute amendment be adopted.

Senator Bray raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

At the request of Senator Caskey, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

**SA 1** was again taken up.

President Maxwell assumed the Chair.

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

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

## YEAS—Senators

Bland	Bray	Caskey	Days
Dougherty	Goode	Jacob	Kennedy
Mathewson	Quick	Wheeler—11	

## NAYS—Senators

Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel—22		

Absent—Senators—None

Absent with leave—Senator Coleman—1

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

## SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Line 6, by inserting after said line the following: “No court of competent jurisdiction in this state shall grant a dissolution of marriage unless the party or parties thereto prove by clear and convincing evidence that adultery was committed by one or both parties.”.

Senator Caskey moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Line 6, by inserting after said line the following: “**Unions of members of the same sex as a civil contract to which the consent of the parties capable in law of contracting from any other state, territory, possession of the United States, Indian tribe, other tribe, or foreign nation where a right or claim arises under such union shall only be recognized by act of the Missouri general assembly and presentment to the governor.**”.

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **HS** for **HCS** for **HJRs 39, 38, 42** and **47**, with **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

## MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HCS** for **HB 1055**, as amended. Representatives: Bruns, Dixon, Mayer, Jolly and Witte.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1188** and has taken up and passed **SCS** for **HB 1188**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1192** and has taken up and passed **SCS** for **HCS** for **HB 1192**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 1081** as amended and grants the Senate a conference thereon; further that the House conferees are allowed to exceed the differences on allowing a claimant to proceed directly to small claims court for construction defects of which the repair cost would not exceed the applicable dollar limit for a matter before the small claims court having jurisdiction of the claim.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House refuses to concur in **SA 1 to SA 1, SA 2 to SA 1, SA 1**, as amended, **SA 2 to HS** for **HB 1487** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HB 1288** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

President Pro Tem Kinder assumed the Chair.

### PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SA 1 to SA 1, SA 2 to SA 1, SA 1**, as amended, and **SA 2 to HS** for **HB 1487** and grant the House a conference thereon, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

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 **HB 1548**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB 1403**, 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 **HS** for **HCS** for **HB 1285**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 1339**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1099**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HB 852**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 1509**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 855**, 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 reports:



Mr. President: Your Committee on Transportation, to which was referred **HCS for HB 1118**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1504**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1109**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 1152**, 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 **SCR 48**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 48

Relating to the establishment of a Hepatitis C Task Force

WHEREAS, hepatitis C is a disease of the liver caused by the hepatitis C virus which damages liver cells and causes the liver to become swollen and tender, however, hepatitis has many other causes, including some medications, long-term alcohol abuse, and exposure to industrial chemicals; and

WHEREAS, although there is no vaccine to prevent infection

with the hepatitis C virus (HCV), research is underway to develop one, but it is difficult to create an effective vaccine because new strains of the original virus can develop that are not affected by a vaccine against the original strain; and

WHEREAS, since all donated blood is screened for hepatitis C, many people are unaware they have hepatitis C until they try to donate blood and are notified by a blood donation center; and

WHEREAS, chronic hepatitis may be treated with medications that fight viral infections, however, the standard treatment of interferon and ribavirin is not an option for every person and only 30%-40% of those who receive antivirals are cured of the infection; and

WHEREAS, the impact of the disease on certain populations, such as intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals, is still unknown in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Hepatitis C Task Force to examine the impact of the hepatitis C virus (HCV) on intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals in Missouri; and

BE IT FURTHER RESOLVED that the Task Force shall be comprised of the following nine persons appointed by the Governor with the advice and consent of the Senate:

- (1) Two persons from the Department of Mental Health;
- (2) Two persons from the Department of Health and Senior Services;
- (3) One person from the Department of Corrections;
- (4) Two persons from community organizations providing services to persons with HCV; and
- (5) Two persons living with HCV; and

BE IT FURTHER RESOLVED that two members of the Senate appointed by the President Pro Tem of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives and shall serve in an advisory capacity to the Task Force; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Task Force; and

BE IT FURTHER RESOLVED that the Task Force shall conduct research and evaluate key legislative, programmatic, and socioeconomic issues that are related to the impact of HCV on the aforementioned populations and make recommendations on ways to improve outreach, prevention, and intervention; and

BE IT FURTHER RESOLVED that the Task Force shall complete its work and submit a report to the General Assembly within one year of its formation, with the advisory House and Senate members of the Task Force providing guidance to the Task Force in its conduct and scope of its work; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 1055**, as amended: Senators Vogel, Bartle, Cauthorn, Caskey and Bray.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended: Senators Kinder, Gross, Vogel, Callahan and Coleman.

### CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 1106** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1106

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1106, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1106;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 1106;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1106, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Charlie Shields	/s/ Rob Schaff
/s/ Matt Bartle	/s/ Robert Johnson
/s/ Delbert Scott	/s/ Jim Guest
/s/ Harold Caskey	/s/ Ed Wildberger
/s/ Stephen Stoll	/s/ Trent Skaggs

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

#### YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

#### NAYS—Senators—None

#### Absent—Senators

Cauthorn	Dougherty	Gross	Quick
Russell—5			

#### Absent with leave—Senator Coleman—1

On motion of Senator Shields, **CCS** for **HCS** for **SCS** for **SB 1106**, entitled:

#### CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1106

An Act to authorize the conveyance of tracts of land owned by the state, with an emergency clause.

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

#### YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

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

**RESOLUTIONS**

Senator Gibbons, joined by the entire membership of the Senate, offered Senate Resolution No. 1928, regarding the Fiftieth Birthday of Senator Peter D. Kinder, Cape Girardeau, which was adopted.

Senator Days offered Senate Resolution No. 1929, regarding Our Lady of Guadalupe Parish, St. Louis, which was adopted.

Senator Bartle offered Senate Resolution No. 1930, regarding Jeremy Andrew Blunt, Lee’s Summit, which was adopted.

Senator Goode offered Senate Resolution No. 1931, regarding Vanessa N. Crawford, which was adopted.

Senator Quick offered Senate Resolution No. 1932, regarding Evelyn G. Palmer, Orrick, which was adopted.

NAYS—Senators—None

Absent—Senators

Cauthorn	Quick	Russell—3
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Absent with leave—Senator Coleman—1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Cauthorn	Quick	Russell—3
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Absent with leave—Senator Coleman—1

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.

**INTRODUCTIONS OF GUESTS**

Senator Vogel introduced to the Senate, Keith E. and Janet Wear-Enloe and Christy and Kent Trimble, Jefferson City; and Sharon, Stephen, Benjamin and Samuel Baum, New York, New York.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-NINTH DAY—TUESDAY, MAY 11, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-  
Kinder (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SB 1185-Gross

## HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HCS for HB 1093 (Kinder)  | 12. HS for HCS for HB 1433-Wood (Childers)<br>(In Fiscal Oversight) |
| 2. HS for HCS for HB 1195-Behnen, with SCS<br>(Yeckel) (In Fiscal Oversight) | 13. HB 1548-Crawford, with SCS (Cauthorn)                           |
| 3. HCS for HB 955 (Yeckel)   | 14. HCS for HB 1403, with SCS (Vogel)                               |
| 4. HB 1665-Hanaway, et al, with SCS (Scott)                                  | 15. HS for HCS for HB 1285-Engler (Dolan)                           |
| 5. HB 841-Angst, with SCS (Steelman)   | 16. HS for HB 1339-Cunningham (86)                                  |
| 6. HCS for HB 1277, with SCS (Steelman)<br>(In Fiscal Oversight)             | 17. HCS for HB 1099   |
| 7. HCS for HBs 1286 & 1175, with SCS<br>(Griesheimer)                        | 18. HS for HCS for HB 852-Holand, with SCS<br>(Champion)            |
| 8. HB 956-May (149) (Steelman)   | 19. HCS for HB 1509   |
| 9. HCS for HBs 1098 & 949 (Childers)   | 20. HCS for HB 855, with SCS (Steelman)                             |
| 10. HS for HB 1599-Ervin, with SCS   | 21. HCS for HB 1118, with SCS                                       |
| 11. HS for HCS for HB 1150-May, with SCS<br>(Scott)                          | 22. HB 1504-Lipke and Crowell (Dolan)                               |
|  | 23. HB 1109-Crawford, et al (Cauthorn)                              |
|  | 24. HCS for HB 1152 (Nodler)  |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 728-Steelman, with SCS  | SBs 908 & 719-Cauthorn, with SCS   |
| SB 735-Foster, et al, with SCS   | SB 933-Yeckel, et al   |
| SBs 738 & 790-Loudon, with SCS & SS for SCS<br>(pending)                                   | SB 989-Gross, et al, with SCS (pending)  |
| SS for SS for SCS for SB 755-Shields   | SB 990-Loudon, with SCS  |
| SBs 774 & 915-Wheeler, with SCS  | SB 1037-Steelman and Stoll, with SCS   |
| SB 787-Childers, with SCS, SA 1 & SSA 1<br>for SA 1 (pending)                              | SBs 1069, 1068, 1025, 1005 & 1089-Gross<br>and Griesheimer, with SCS, SS for<br>SCS, SA 2 & SA 2 to SA 2 (pending) |
| SB 809-Klindt, with SCS, SS for SCS &<br>SA 2 (pending)                                    | SB 1124-Goode and Steelman, with SCS   |
| SB 817-Kennedy and Griesheimer, with SCS   | SB 1128-Cauthorn, with SCS   |
| SB 856-Loudon, with SCS, SS for SCS, SS<br>for SS for SCS, SA 2 & SSA 1 for SA 2 (pending) | SB 1132-Steelman, et al, with SCS  |
| SB 906-Foster, with SCS, SS for SCS & SA 2<br>(pending)                                    | SB 1138-Bartle   |
|  | SB 1159-Foster and Dougherty   |
|  | SB 1180-Shields and Kinder, with SCS   |
|  | SB 1198-Russell, with SCA 1  |

SB 1213-Steelmann and Gross, with SCS  
 SB 1227-Russell, et al, with SCS  
 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

HCS for HB 898, with SCS (Shields)  
 HCS for HBs 946, 1106 & 952, with SCS  
 (Dolan)  
 HB 969-Cooper, et al (Bartle)  
 (In Fiscal Oversight)  
 HCS for HB 980, with SS (pending) (Klindt)  
 HCS for HB 1115 (Gross)  
 HCS for HB 1182, with SCS & SS for SCS  
 (pending) (Klindt)  
 HCS for HB 1209 (Kinder)  
 HS for HCS for HBs 1268 & 1211-Smith  
 (118), with SCS, SS for SCS & SS for  
 SS for SCS (pending) (Loudon)  
 HCS for HB 1278, with SCS (Loudon)

HS for HB 1409-Dempsey, with SCS, SS  
 for SCS, SA 9, SSA 1 for SA 9 & SA 1  
 to SSA 1 for SA 9 (pending) (Mathewson)  
 HCS for HB 1439 (Dolan)  
 HS for HCS for HB 1453-Hanaway, with SCS  
 (Shields)  
 HB 1493-Emery, et al, with SCS & SA 3  
 (pending) (Steelmann)  
 HS for HCS for HB 1566-Stefanick, with  
 SCS, SS for SCS, SS for SS for SCS,  
 SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)  
 HS for HCS for HJR 39, 38, 42 & 47-  
 Engler, with SA 2 & SSA 1 for  
 SA 2 (pending) (Steelmann)

### CONSENT CALENDAR

Senate Bills  
 Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

## House Bills

Reported 4/14

HB 1572-St. Onge, et al (Loudon)

HB 884-Ward (Loudon)

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)

HCS for HB 1179 (Days)

HCS for HBs 1631 &amp; 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HB 1048-Parker, et al (Klindt)

Unofficial

## SENATE BILLS WITH HOUSE AMENDMENTS

SB 884-Klindt, with HCS

SB 1299-Loudon, with HCS

Journal

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

SB 739-Klindt, with HCS, as amended  
SCS#2 for SB 762-Champion, with HS for HCS,  
as amendedSS for SCS for SB 1081-Kinder, et al,  
with HS for HCS, as amendedSS for SCS for SB 1099-Gibbons, with HS  
for HCS, as amendedSCS for SB 1106-Shields, with HCS  
(Senate adopted CCR and passed CCS)HCS for HBs 795, 972, 1128 & 1161, with  
SS for SCS, as amended (Childers)HCS for HB 959, with SCS, as amended  
(Yeckel)HS for HCS for HB 978-Baker, with SS,  
as amended (Yeckel)

HCS for HB 1055, with SS, as amended (Vogel)

HCS for HB 1305, with SCS, as amended  
(Scott)HS for HB 1487-Self, with SA 1, as amended &  
SA 2 (Scott)

HCS for HB 1617, with SSA 1 for SA 1 (Bartle)

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Requests to Recede or Grant Conference

SB 932-Loudon, with HS, as amended  
(Senate requests House recede or  
grant conference)

HCS for HB 1288, with SS for SCS, as amended  
(Griesheimer) (House requests Senate recede  
or grant conference)

RESOLUTIONS

Reported from Committee

SCR 46-Gross  
SCR 49-Nodler

SR 1877-Dougherty  
SCR 48-Bland, with SCS

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