Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY— TUESDAY, MAY 3, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"His compassions fail not. They are new every morning." (Lamentations 3:23)

Gracious God, by Your grace we have found mercy that reminds us that we are Your children and by Your promise You keep us so that we might know each day is a day for which we ought to be grateful. Help us to remember the uncounted mercies You provide us so that we might be strengthened in our work doing that which is well pleasing to You and may we draw closer to You each day. 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 the previous day was read and approved.

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

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Stouffer offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 19

WHEREAS, fixing the health care crisis is extremely critical for the citizens of Missouri; and

WHEREAS, changes in the legal, medical, social and economic environments has resulted in a lack of availability or a high cost for medical malpractice coverage for health care providers; and

WHEREAS, the lack of availability and high cost for medical malpractice coverage for health care providers has in turn adversely impacted health care in Missouri; and

WHEREAS, other states have turned to health care stabilization funds as a means of resolving such problems by providing excess medical malpractice coverage to health care providers who participate in the fund; and

WHEREAS, a Missouri Health Care Stabilization Fund would constitute an important step in solving health care problems

for Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create a Joint Interim Committee on a Missouri Health Care Stabilization Fund; and

BE IT FURTHER RESOLVED that the interim committee shall be responsible for:

1. Exploring the establishment of a Missouri Health Care Stabilization Fund to be administered by a health care stabilization board and housed within the Department of Insurance.

2. Investigating the primary objective of assuring health care providers that there will be reasonable medical malpractice liability coverage available within the state of Missouri.

3. Researching the possibility of requiring health care providers to carry primary medical malpractice coverage with another insurer in order to participate in the fund.

4. Investigating the feasability of the fund paying moneys to an aggrieved party if his or her damages exceed the health care provider's primary level of coverage.

5. Exploring any other ideas as necessary for possible implementation of the fund; and

BE IT FURTHER RESOLVED that the interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the interim committee herein established shall consist of ten members, five of which shall be members of the Senate appointed by the President Pro Tem of the Senate, with at least two members from the minority party; and five shall be members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least two members from the minority party; and

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

BE IT FURTHER RESOLVED that the interim committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the interim committee shall expire on December 31, 2005, and on that same date deliver a report of findings and recommendations to the General Assembly.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 210**, entitled:

An Act to repeal sections 34.070, 44.090, 50.530, 50.540, 50.750, 50.1030, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 56.060, 56.631, 56.640, 56.650, 56.660, 64.215, 64.940, 65.110, 65.160, 65.400, 65.460, 65.490, 65.600, 67.469, 67.1775, 67.1850, 67.1922, 67.1934, 71.140, 89.450, 94.270, 100.050, 100.059, 110.130, 110.150, 115.019, 136.010, 136.160, 137.115, 137.465, 137.585, 137.720, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 140.160, 140.170, 165.071, 190.010, 190.015, 190.090, 205.010, 210.860, 210.861, 233.295, 242.560, 245.205, 250.140, 263.245, 301.025, 321.322, 473.770, 473.771, 488.426, and 545.550, RSMo, and section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, are repealed and to enact in lieu thereof ninety-seven new sections relating to political subdivisions.

With House Amendments 1, 4, House Amendment 1 to House Amendment 5, House Amendment 5, as amended, House Amendments 6, 7, 8, 9, House Amendment 1 to House Amendment

10, House Amendment 10, as amended, House Amendments 11, 12, House Amendment 1 to House Amendment 13, House Amendment 13, as amended, House Amendments 14, 15, 16, House Amendment 1 to House Amendment 17, House Amendment 17, as amended, House Amendment 1 to House Amendment 18, House Amendment 18, as amended, House Amendments 19, 20, 21, 22, 23, 24, 25, 26, House Substitute Amendment 1 for House Amendment 27, House Amendments 28, 29 and 30.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 34.070, Page 3, Line 6, by deleting the word "**or**" after the word "**percent**"; and

Further amend said substitute, Section 44.090, Page 3, Line 27, by deleting the word "**an**" before the word "**execution**" and by deleting the word "**are**" before the word "**automatically**"; and

Further amend said Section, Page 4, Line 44, by inserting the word "**a**" before the word "**license**"; and

Further amend said Section and Page, Line 57, by deleting the word "**subsivisions**" and inserting in lieu thereof the word "**subdivisions**"; and

Further amend said substitute, Section 56.640, Page 14, Line 9, by deleting the word "**counselors**" and inserting in lieu thereof the word "**counselor's**"; and

Further amend said substitute, Section 99.1082, Page 38, Line 80, by deleting the third occurrence of the word "**one**" and inserting in lieu thereof the word "**nine**"; and

Further amend said substitute, Section 99.1086, Page 42, Line 226, by deleting the second occurrence of the word "**redevelopment**" and inserting in lieu thereof the word "**development**"; and

Further amend said substitute, Section 99.1088, Page 43, Line 6, by deleting the words "**subsection 2**" and inserting in lieu thereof the words "**subsections 2 and 3**"; and

Further amend said substitute, Section 137.071, Page 55, Line 18, by deleting the word "**of**" and inserting in lieu thereof the word "**or**"; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 72, Section 190.010, Lines 3-11, by deleting all of said lines and inserting in lieu thereof the following:

"necessarily implied. **The territory contained within the corporate limits of a proposed ambulance district shall not be required to be contiguous. Any territory which is non-contiguous within a proposed district must be located so that least a portion of the territory lies within five miles of any other portion of the territory contained within the proposed ambulance district. Notwithstanding the provisions of subsection 2 of section 190.015,** an ambulance district may include municipalities or territory not in municipalities or both or territory in one or more counties, except, that the provisions of section 190.001 to 190.090 are not effective in counties having a population of more than four hundred thousand inhabitants at the time the ambulance district is formed. The territory contained within the corporate limits of an existing ambulance district shall not be incorporated in another ambulance district. Ambulance districts created"; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No.

210, Page 1, Lines 5-6, by striking the following:

"**, in which case, the current salary of such officials shall be set as a base salary**"; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 97, Section 3, Line 7, by inserting after the word "officials", the following:

"**, unless the current salary of such officials, as of August 28, 2005, is lower than the compensation provided under the salary schedules, in which case, the current salary of such officials shall be set as a base salary**"; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 38, Section 99.1082, Line 85, by deleting the word "**one**" and inserting in lieu thereof the words "**ten thousand**"; and

Further amend said bill, Page 38, Section 99.1082, Line 85, by inserting at the end of said line the following: "**or**

(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine thousand nine hundred and ninety-nine inhabitants"; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Pages 23 - 28, Section 67.1305, Lines 1-183, by deleting all of said lines and inserting in lieu thereof the following:

"**67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.**

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303. The governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city or county) impose a sales tax at a rate of ..... (insert rate of percent) percent for economic development purposes?

[ ] YES [ ] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this

section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local option economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

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

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

(a) Acquisition of land;

(b) Installation of infrastructure for industrial or business parks;

(c) Improvement of water and wastewater treatment capacity;

(d) Extension of streets;

(e) Public facilities directly related to economic development and job creation; and

(f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

(a) Marketing;

(b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;

(c) Training programs to prepare workers for advanced technologies and high skill jobs;

(d) Legal and accounting expenses directly associated with the economic development planning and preparation process; and,

(e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(1) The economic development tax board established by a city and shall consist of five members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Three members shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city; and,

(c) One member shall be appointed by the governing body of the county in which the city is located.

(2) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed

economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the local option economic development sales tax imposed under this section when imposed within a special taxing district, including, but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the department of economic development shall submit to the joint committee on economic development a report which must include the following information for each project using the tax authorized under this section:

(1) A statement of its primary economic development goals;

(2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year; and

(3) A statement of total expenditures during the preceding calendar year in each of the following categories:

(a) Infrastructure improvements;

(b) Land and or buildings;

(c) Machinery and equipment;

(d) Job training investments;

(e) Direct business incentives;

(f) Marketing;

(g) Administration and legal expenses; and

(h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city or

county) repeal the sales tax imposed at a rate of ..... (insert rate of percent) percent for economic development purposes?

[ ] YES [ ] NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.".

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 545.550, Page 96, Line 13, by inserting after all of said line the following:

"573.505. 1. In order to defray the costs of background checks conducted pursuant to section 573.503, any city not within a county and any county may, by ordinance or order, impose a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.510, RSMo, made in such city or county by any adult cabaret. The tax authorized by this section shall not be levied at a rate which would amount to a sum greater than **[**ten**]** **five** percent of the gross receipts of any such business. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order or ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city or county submits to the voters of the city or county, at a city, county or state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax.

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

Shall the city or county of ..... (city's or county's name) impose a sales tax upon adult cabarets of ..... (Insert amount) for a period not to exceed ..... (Insert number) years for the purpose of investigating the background of the employees of such businesses **and for the general law enforcement use of the sheriff's office with existing revenues to be used for either purpose**?

☐? YES☐? NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city or county shall have no power to impose the sales tax authorized by this section unless and until the governing body of the city or county shall again have submitted another proposal to authorize the governing body of the city or county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a city or county from the tax authorized under the provisions of this section shall be deposited in a special trust fund

and shall be used by the city or county **[**solely**]** for the investigation of the backgrounds of persons employed at any adult cabaret in such city or county **and for the general law enforcement use of the sheriff's office**. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

4. The tax authorized by this section shall terminate four years from the date on which such tax was initially imposed by the city or county, unless sooner abolished by the governing body of the city or county.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "City and County Background Check Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city or county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the city or county treasurer of each such city or county, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city or county.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

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

8. As used in this section, the term "city" means any city not within a county."; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 36, Section 94.270, Line 59, by deleting "**2 to**" and inserting in lieu thereof "**4 and**"; and

Further amend said Section and Page, Lines 62-63, by deleting said lines and inserting in lieu thereof the following:

"**7. Any city under subsections 1, 2 and 3 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:**

(a) One-eighth of one percent of such hotels' or

motels' gross revenue; or

(b) The business license tax rate for such hotel or motel on May 1, 2005.

8. The provisions of subsection 7 shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005.

9. The provisions of subsections 4, 5, 6, and 7 of this section shall become effective on January 1, 2006.

10. Notwithstanding any other provision of law to the contrary, any city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated within the city, which tax shall be not more than five percent of the charges paid for such sleeping rooms, in lieu of any license tax currently imposed on hotels and public boarding houses under section 94.270, RSMo. The governing body of such city shall expend all revenues derived from the tax imposed under this section to promote tourism and to defray the operational and maintenance expenses of any recreational or sporting facilities constructed in the city prior to August 28, 2005. The Mayor, with the consent of the governing body, shall appoint an advisory board to assist the city in ensuring that the revenues derived from the tax imposed under this section are allocated and expended in a manner consistent with the provisions of this section. The advisory board shall consist of two members representing the hotel and motel industry, two members representing the local, general business community, and two members of the governing body."; and

Further amend said substitute, Section 94.270, Page 36, Line 63, by inserting after all of said line the following:

"94.834. 1. The **governing body of any city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants, the** governing body of any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants, the governing body of any city of the fourth classification with more than two thousand three hundred but less than two thousand four hundred inhabitants and located in any county of the fourth classification with more than thirty-two thousand nine hundred but less than thirty-three thousand inhabitants**,** and the governing body of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES ☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 10

Amend House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Line 3, by inserting after all of said line the following:

"**66.411. No county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants shall dissolve, eliminate, merge, or terminate a municipal fire department of any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants, until it has been submitted to an election of the voters residing within the home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants, and assented to by a majority vote of the voters of the city voting on the question.**"; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 301.025, Page 88, Line 177, by inserting after all of said line the following:

"321.120. 1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

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

Shall there be incorporated a fire protection district?

☐? YES ☐? NO

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

OFFICIAL BALLOT

Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.)

ELECTION

(Here insert name of district.) Fire Protection District. (Here insert date of election.)

FOR BOARD OF DIRECTORS

..... ☐? ..... ☐ ..... ☐?

4. If a majority of the voters voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the voters voting thereon. If a board of three members is elected, the person receiving the third highest number of votes shall hold office for a term of two years, the person receiving the second highest number of votes shall hold office for a term of four years, and the person receiving the highest number of votes shall hold office for a term of six years from the date of the election of the first board of directors and until their successors are duly elected and qualified. If a board of five members is elected, the person who received the highest number of votes shall hold office for a term of six years, the persons who received the second and third highest numbers of votes shall hold office for terms of four years and the persons who received the fourth and fifth highest numbers of votes shall hold office for terms of two years and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified**, provided however, in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and qualified in the year 2005 shall hold office for a term of six years and until his or her successor is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007 shall hold office for a term of five years and until his or her successor is duly elected and qualified, and thereafter, members of the board shall be elected to serve terms of four years and until their successors are duly elected and qualified**. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, upon a motion by the board of directors in districts where there are three-member boards, and upon approval by the voters in the district, the number of directors may be increased to five, except that in any county of the first classification with a population of more than nine hundred thousand inhabitants such increase in the number of directors shall apply only in the event of a consolidation of existing districts. The ballot to be used for the approval of the voters to increase the number of members on the board of directors of the fire protection district shall be substantially in the following form:

Shall the number of members of the board of directors of the ..... (Insert name of district) Fire Protection District be increased to five members?

☐? YES ☐? NO

If a majority of the voters voting on the proposition vote in favor of the proposition then at the next election of board members after the voters vote to increase the number of directors, the voters shall select two persons to act in addition to the existing three directors as the board of directors. The court which entered the order declaring the decree of incorporation to be final shall designate the additional board of directors who have been elected by the voters voting thereon as follows: the one receiving the second highest number of votes to hold office for a term of four years, and the one receiving the highest number of votes to hold office for a term of six years from the date of the election of such additional board of directors and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until

their successors are duly elected and qualified**, provided however, in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and qualified in the year 2005 shall hold office for a term of six years and until his or her successor is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007 shall hold office for a term of five years and until his or her successor is duly elected and qualified, and thereafter, members of the board shall be elected to serve terms of four years and until their successors are duly elected and qualified**.

6. Members of the board of directors in office on the date of an election pursuant to subsection 5 of this section to elect additional members to the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified.

321.190. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two in any calendar month, except that in a county of the first class having a charter form of government, he shall not be paid for attending more than four in any calendar month. **However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week.** In addition, the chairman of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his actual expenditures in the performance of his duties on behalf of the district. The secretary and the treasurer, if members of the board of directors, may each receive such additional compensation for the performance of their respective duties as secretary and treasurer as the board shall deem reasonable and necessary, not to exceed one thousand dollars per year. The circuit court having jurisdiction over the district shall have power to remove directors or any of them for good cause shown upon a petition, notice and hearing."; and

Further amend said substitute, Page 91, Section 321.322, Line 62, by inserting after said line the following:

"321.603. In addition to the compensation provided pursuant to section 321.190 for fire protection districts located in a county of the first classification with a charter form of government, each member of any such fire protection district board may receive an attendance fee not to exceed one hundred dollars for attending a board meeting conducted pursuant to chapter 610, RSMo, but such board member shall not be paid for attending more than four such meetings in any calendar month. **However, no board member shall be paid more than one attendance fee if such member attends more than one meeting conducted under chapter 610, RSMo, in a calendar week.**"; and

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

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 88, Section 301.025, Line 177 by inserting after said line the following:

"321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least [two years] **one year** before the election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class

county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than [two years] **one year** before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director."; and

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

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 73, Section 190.015, Line 20, by deleting the words "**may choose to**" and inserting in lieu thereof the following:

"**with boundaries congruent with each participating fire protection district's existing boundaries provided no ambulance district already exists in whole or part of any district being proposed and the dominant provider of ambulance services within the proposed district as of September 1, 2005, discontinues ambulance services, and the board of each participating district, by a majority vote, approves the formation of such a district and participating fire protection districts are contiguous. Upon approval by the fire protection district boards, subsection 1 of this section shall be followed for formation of the ambulance district. Services provided by a district under this subsection shall only include emergency ambulance services as defined in section 321.225, RSMo.**"; and

Further amend said Section and Page, Lines 21-23, by deleting all of said lines; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 13

Amend House Amendment No. 13 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Line 14, by inserting after all of said line the following:

"4. Notwithstanding the provisions of subsection 3 of this section to the contrary, any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants shall retain the position of township collector which shall be governed by the township collector law as it existed on August 27, 2005, unless by a majority vote of the qualified voters in the county the position of township collector is converted to the position of collector-treasurer. The question of converting the position of township collector to the position of collector-treasurer in such county may be put to a vote in the county either upon a majority vote of the county commission or upon submission of a petition signed by at least five percent of the registered voters of the county presented to the county commission. If the question is put to a vote and passes by a majority of the voters voting in such election,

such county shall convert the position of township collector to the position of collector-treasurer."; and

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

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 70, Section 140.150, Line 4, by deleting the opening and closing brackets; and

Further amend said Section and Page, Lines 4-6, by deleting the following:

"**on a day in August, such date to be specified by the county collector no later than July fifteenth in the year in which the sale is to be held**"; and

Further amend said substitute, Pages 71-72, Section 140.170, Lines 1-39, by deleting said section from the substitute; and

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

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 4, Page 99, Line 60, by inserting after all of said line the following:

"**Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey all interest in fee simple absolute in property owned by the state in Jasper County. The property to be conveyed is more particularly described as follows:**

All of Lots Numbered Ninety-seven (97) and Ninety-eight (98) in Byer's and Murphy's Addition to Murphysburg, now a part of the City of Joplin, Jasper County, Missouri.

All of Lots 131 and 132 in Byers and Murphy's Addition to the town of Murphysburg in the City of Joplin, Jasper County, Missouri, situated in the Northeast Quarter (N. E. 1/4) of the Northeast Quarter (N.E. 1/4) of Section Ten (S.10) Township Twenty-seven (Twp. 27), and Range Thirty-three (R. 33).

All of Lots Numbered Ninety-Nine (99) and One Hundred (100) in Byers and Murphy's Addition to the Town of Murphysburg, now a part of the City of Joplin, Jasper County, Missouri.

This property is used by the Division of Workforce Development as a career center.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of sale.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 137.720, Page 64, Line 22, by inserting immediately after the word "**expenses**" the following:

"**identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund**", and;

Further amend said page, Line 23, by removing the brackets "[ ]" around the word "unanimously", and;

Further amend said page, Line 24 by removing the words "**at least two of the following:**", and;

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 8, Section 50.1031, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"**of assets to the actuarial accrued liability equaling at least eighty percent. No benefit adjustment shall be adopted which causes the funded ratio to fall more than five percent.**"; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 17

Amend House Amendment No. 17 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 11, Line 17, by inserting after the number "**137.078,**" the following:

"**the property of rural electric cooperatives pursuant to chapter 394, RSMo,**"; and

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

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 55, Section 137.071, Line 24 by inserting after all of said line the following:

"Section A. Section 137.078, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 137.078, 137.079, and 137.122, to read as follows:

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

(1) "Analog equipment", all depreciable items of tangible personal property that are used directly or indirectly in broadcasting television shows **[**and**], radio programs, or** commercials through the use of analog technology**, including studio broadcast equipment, transmitter and antenna equipment, and broadcast towers**;

(2) "Applicable analog fraction", a fraction, the numerator of which is the total number of analog television sets in the United States for the immediately preceding calendar year and the denominator of which is an amount representing the total combined number of analog and digital television sets in the United States for the immediately preceding calendar year. The applicable analog fraction will be determined on an annual basis by the Missouri Broadcasters Association;

(3) "Applicable analog percentage", the following percentages for the following years:

Year of Acquisition	2004 Tax Year	2005 Tax Year	2006 Tax Year	2007 Tax Year
				1%
2006				1%
2005			25%	1%
2004		50%	25%	1%
2003	75%	50%	25%	1%
2002	75%	50%	25%	1%
2001	75%	50%	25%	1%
2000	75%	50%	25%	1%
1999	75%	50%	25%	1%
1998	75%	50%	25%	1%
Prior	75%	50%	25%	1%;

(4) "Applicable digital fraction", a fraction, the numerator of which is the total number of digital television sets in the United States for the immediately preceding calendar year and the denominator of which is an amount representing the total combined number of analog and digital television sets in the United States for the immediately preceding calendar year. The

applicable digital fraction will be determined on an annual basis by the Missouri Broadcasters Association;

(5) **"Broadcast towers", structures with a function that includes holding television or radio broadcasters' antennae, repeaters, or translators at the height required or needed to transmit over-the-air signals or enhance the transmission of the signals. This term also includes the structures at least partially used by television broadcasters or radio broadcasters to provide weather radar information to the public. For property tax assessment purposes, broadcast towers are classified as tangible personal property;**

(6) "Digital equipment", all depreciable items of tangible personal property that are used directly or indirectly in broadcasting television shows **[**and**], radio programs, or** commercials through the use of digital technology**, including studio broadcast equipment, transmitter and antenna equipment, and broadcast towers**;

(7) "Radio broadcasters", all businesses that own, lease, or operate radio broadcasting stations that transmit radio shows and commercials and that are required to be licensed by the Federal Communications Commission to provide such services;

(8) "Radio broadcasting equipment", both analog equipment and digital equipment;

[(6)**] (9)** "Television broadcasters", all businesses that own, lease, or operate television broadcasting stations that transmit television shows and commercials and that are required to be licensed by the Federal Communications Commission to provide such services;

[(7)**] (10)** "Television broadcasting equipment", both analog equipment and digital equipment**;**

(11) "Transmitter and antenna equipment", equipment with functions that include transmitting signals from broadcast studios by increasing the power, tuning signals to the frequency allowed by regulatory authorities, and broadcasting signals to the public for television broadcasters or radio broadcasters;

(12) "Studio broadcast equipment", studio equipment that receives, produces, modifies, controls, measures, modulates, adds to or subtracts from, or enhances signals in the process that results in over-the-air signals for television broadcasters or radio broadcasters.

2. In response to recent action by the Federal Communications Commission, as described by the commission in the fifth report and order, docket number 97-116, for purposes of assessing all items of television broadcasting equipment that are owned and used by television broadcasters for purposes of broadcasting television shows and commercials:

(1) The true value in money of all analog equipment shall be determined by depreciating the historical cost of such property using the depreciation tables provided in subdivision (1) of subsection 3 of this section and multiplying the results by the applicable analog percentage. The result of the second computation is multiplied by the applicable analog fraction to determine the true value in money of the analog equipment; and

(2) The true value in money of all digital equipment shall be determined by depreciating the historical cost of such property using the depreciation tables provided in subdivision (2) of subsection 3 of this section and multiplying the results by the applicable digital fraction to determine the true value in money of the digital equipment.

3. For purposes of subsection 2 of this section, the depreciation tables for determining the [fair] **true** value in money of television broadcasting equipment are as follows:

(1) For analog equipment, the following depreciation tables will apply for the following years:

Year of Acquisition	2004 Tax Year	2005 Tax Year	2006 Tax Year	2007 Tax Year
2006				65%
2005			65%	45%
2004		65%	45%	30%
2003	65%	45%	30%	20%
2002	45%	30%	20%	10%
2001	30%	20%	10%	5%
2000	20%	10%	5%	5%
1999	10%	5%	5%	5%
1998	5%	5%	5%	5%
Prior	5%	5%	5%	5%;

(2) For digital equipment, the following depreciation tables will apply for the following years:

Year of Acquisition	2004 Tax Year	2005 Tax Year	2006 Tax Year	2007 Tax Year
2006				65%
2005			65%	45%
2004		65%	45%	30%
2003	65%	45%	30%	20%
2002	45%	30%	20%	10%
2001	30%	20%	10%	5%
2000	20%	10%	5%	5%
1999	10%	5%	5%	5%
1998	5%	5%	5%	5%
Prior	5%	5%	5%	5%.

4. Beginning January 1, 2008, for purposes of assessing all items of television broadcasting equipment that are owned and used by television broadcasters for purposes of broadcasting television shows and commercials, the following depreciation tables will be used to determine their true value in money. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	**Studio Broadcast Equipment**	**Transmitter and Antenna Equipment**	**Broadcast Tower**
1	**65%**	**91%**	**96%**
2	**45%**	**82%**	**93%**
3	**30%**	**73%**	**89%**
4	**20%**	**64%**	**86%**
5	**10%**	**55%**	**82%**
6	**5%**	**46%**	**79%**
7		**37%**	**75%**
8		**28%**	**72%**
9		**19%**	**68%**
10		**10%**	**65%**
11			**61%**
12			**58%**
13			**54%**
14			**51%**
15			**47%**
16			**44%**
17			**40%**
19			**33%**
20			**30%**
21			**27%**
22			**24%**
23			**21%**
24			**18%**
25			**15%.**

Television broadcasting equipment in all recovery periods shall continue in subsequent years to have the depreciation percentage last

listed in the appropriate column so long as it is owned or held by the taxpayer.

5. Effective January 1, 2006, for purposes of assessing all items of radio broadcasting equipment that are owned and used by radio broadcasters for purposes of broadcasting radio programs and commercials, the following depreciation tables will be used to determine their true value in money. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	Studio Broadcast Equipment	Transmitter and Antenna Equipment	Broadcast Tower
1	65%	91%	96%
2	45%	82%	93%
3	30%	73%	89%
4	20%	64%	86%
5	10%	55%	82%
6	5%	46%	79%
7		37%	75%
8		28%	72%
9		19%	68%
10		10%	65%
11			61%
12			58%
13			54%
14			51%
15			47%
16			44%
17			40%
19			33%
20			30%
21			27%
22			24%
23			21%
24			18%
25			15%.

Radio broadcast equipment in all recovery periods shall continue in subsequent years to have the depreciation percentage last listed in the appropriate column so long as it is owned or held by the taxpayer.

137.079. Prior to setting its rates or rates as required by section 137.073, each taxing authority shall exclude from its total assessed valuation seventy-two percent of the total amount of assessed value of business personal property that is subject to an appeal at the state tax commission or in a court of competent jurisdiction in this state. This exclusion shall only apply to the portion of the assessed value of business personal property that is disputed in the appeal, and shall not exclude any portion of the same property that is not disputed. If the taxing authority uses a multi-rate approach as provided in section 137.073, this exclusion shall be made from the personal property class. The state tax commission shall provide each taxing authority with the total assessed value of business personal property within the jurisdiction of such taxing authority for which an appeal is pending no later than August 20 of each year. Whenever any appeal is resolved, whether by final adjudication or settlement, and the result of the appeal causes money to be paid to the taxing authority, the taxing authority shall not be required to make an additional adjustment to its rate or rates due to such payment once the deadline for setting its rates, as provided by this chapter, has passed in a taxable year, but shall adjust its rate or rates due to such payment in the next rate setting cycle to offset the payment in the next taxable year. For the purposes of this section, the term

"business personal property", means tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property subject to the tables provided in section 137.078, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030."; and

Further amend said bill, Section 137.122, Pages 59 to 62, Lines 1 to 94 by deleting all of said lines and inserting in lieu thereof the following:

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

(1) "Business personal property", tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, grain and other agricultural crops in an unmanufactured condition, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property assessed under section 137.078, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030;

(2) "Class life", the class life of property as set out in the federal Modified Accelerated Cost Recovery System life tables or their successors under the Internal Revenue Code as amended;

(3) "Economic or functional obsolescence", a loss in value of personal property above and beyond physical deterioration and age of the property. Such loss may be the result of economic or functional obsolescence or both;

(4) "Original cost", the price the current owner, the taxpayer, paid for the item without freight, installation, or sales or use tax. In the case of acquisition of items of personal property as part of an acquisition of an entity, the original cost shall be the historical cost of those assets remaining in place and in use and the placed in service date shall be the date of acquisition by the entity being acquired;

(5) "Placed in service", property is placed in service when it is ready and available for a specific use, whether in a business activity, an income-producing activity, a tax-exempt activity, or a personal activity. Even if the property is not being used, the property is in service when it is ready and available for its specific use;

(6) "Recovery period", the period over which the original cost of depreciable tangible personal property shall be depreciated for property tax purposes and shall be the same as the recovery period allowed for such property under the Internal Revenue Code.

2. To establish uniformity in the assessment of depreciable tangible personal property, each assessor shall use the standardized schedule of depreciation in this section to determine the assessed valuation of depreciable tangible personal property for the purpose of estimating the value of such property subject to taxation under this chapter.

3. For purposes of this section, and to estimate the value of depreciable tangible personal property for mass appraisal purposes, each assessor shall value depreciable tangible personal property by applying the class life and recovery period to the original cost of the property according to the following depreciation schedule. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost

used for January first of the respective succeeding year as follows:

Year	**Recovery Period in Years**					
	3	**5**	**7**	**10**	**15**	**20**
1	**75.00**	**85.00**	**89.29**	**92.50**	**95.00**	**96.25**
2	**37.50**	**59.50**	**70.16**	**78.62**	**85.50**	**89.03**
3	**12.50**	**41.65**	**55.13**	**66.83**	**76.95**	**82.35**
4	**5.00**	**24.99**	**42.88**	**56.81**	**69.25**	**76.18**
5		**10.00**	**30.63**	**48.07**	**62.32**	**70.46**
6			**18.38**	**39.33**	**56.09**	**65.18**
7			**10.00**	**30.59**	**50.19**	**60.29**
8				**21.85**	**44.29**	**55.77**
9				**15.00**	**38.38**	**51.31**
10					**32.48**	**46.85**
11					**26.57**	**42.38**
12					**20.67**	**37.92**
13					**15.00**	**33.46**
14						**29.00**
15						**24.54**
16						**20.08**
17						**20.00**

Depreciable tangible personal property in all recovery periods shall continue in subsequent years to have the depreciation factor last listed in the appropriate column so long as it is owned or held by the taxpayer. The state tax commission shall study and analyze the values established by this method of assessment and in every odd-numbered year make recommendations to the joint committee on tax policy pertaining to any changes in this methodology, if any, that are warranted.

4. Such estimate of value determined under this section shall be presumed to be correct for the purpose of determining the true value in money of the depreciable tangible personal property, but such estimation may be disproved by substantial and persuasive evidence of the true value in money under any method determined by the state tax commission to be correct, including, but not limited to, an appraisal of the tangible personal property specifically utilizing generally accepted appraisal techniques, and contained in a narrative appraisal report in accordance with the Uniform Standards of Professional Appraisal Practice or by proof of economic or functional obsolescence or evidence of excessive physical deterioration. For purposes of appeal of the provisions of this section, the salvage or scrap value of depreciable tangible personal property may only be considered if the property is not in use as of the assessment date.

5. This section shall not apply to business personal property placed in service before January 2, 2006."; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 18

Amend House Amendment No. 18 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Line 2 by striking "by deleting said section" and inserting in lieu thereof the following:

"Line 1, by inserting "**1.**" after "52.317."; and

Further amend said Section and Page, Lines 2-3, by deleting the words "**excluding capital improvements and equipment purchases**"; and

Further amend said House Amendment, Lines 4-8, by deleting said lines and inserting in lieu thereof the following:

"Further amend said Section and Page, Line 16, by inserting after all of said lines the following:

"**2. For one-time expenditures directly attributable to any department, office, institution, commission, or county court the county commission may budget such expenses**

in a common fund or account so that any such expenditures separately budgeted does not appear in any specific department, county office, institution, commission, or court budget."; and

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

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 9, Section 52.317 by deleting said section; and

Further amend said bill, Page 99, Section 4, Line 60 by inserting after said line the following:

"**Section 5. For one-time expenditures directly attributable to any department, office, institution, commission, or county court the county commission may budget such expenses in a common fund or account so that any such expenditures separately budgeted does not appear in any specific department, county office, institution, commission, or court budget.**"; and

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

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 11, Section 54.320, Line 32, by inserting after the word "percent" the following:

"**for the first four million dollars, two and one-half percent on four million and one dollars to seven million dollars, two percent on seven million and one dollars to ten million dollars, one and one-half percent on ten million and one dollars to thirteen million dollars, one percent on thirteen million and one dollars to seventeen million dollars, and three-fourths of one percent on seventeen million and one dollars and over,**".

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 14, Section 56.631, Line 3, by inserting before the word "may" the following:

"**, except for any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants,**"; and

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

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 11, Section 54.320, Line 39, by deleting the word "may" and inserting in lieu thereof the word "shall"; and further amend said bill, Page 12, Section 54.320, Line 73, by inserting at the end of said bill the following:

"4. For the performance of duties provided for in section 54.280 and this section, the collector-treasurer in each county having a township organization shall receive additional compensation in an annual sum of five thousand dollars, to be paid from the county treasury in twelve equal monthly installments. Notwithstanding any other provisions of the law to the contrary, the compensation authorized in this subsection shall be in addition to all other compensation provided by law."

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 44.090, Page 4, Line 59, by inserting after all of said line the following:

"50.333. 1. There shall be a salary commission in every nonchartered county.

2. The clerk **or court administrator** of the circuit court of the judicial circuit in which such

county is located shall set a date, time and place for the salary commission meeting and serve as temporary chairman of the salary commission until the members of the commission elect a chairman from their number. Upon written request of a majority of the salary commission members the clerk **or court administrator** of the circuit court shall forthwith set the earliest date possible for a meeting of the salary commission. The circuit clerk **or court administrator** shall give notice of the time and place of any meeting of the salary commission. Such notice shall be published in a newspaper of general circulation in such county at least five days prior to such meeting. Such notice shall contain a general description of the business to be discussed at such meeting.

3. The members of the salary commission shall be:

(1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;

(2) The county clerk;

(3) The prosecuting attorney;

(4) The sheriff;

(5) The county commissioners;

(6) The collector or treasurer ex officio collector;

(7) The treasurer or treasurer ex officio collector;

(8) The assessor;

(9) The auditor;

(10) The public administrator; and

(11) The coroner.

Members of the salary commission shall receive no additional compensation for their services as members of the salary commission. A majority of members shall constitute a quorum.

4. Notwithstanding the provisions of sections 610.021 and 610.022, RSMo, all meetings of a county salary commission shall be open meetings and all votes taken at such meetings shall be open records. Any vote taken at any meeting of the salary commission shall be taken by recorded yeas and nays.

5. In every county, the salary commission shall meet at least once before November thirtieth of each odd-numbered year. The salary commission may meet as many times as it deems necessary and may meet after November thirtieth and prior to December fifteenth of any odd-numbered year if the commission has met at least once prior to November thirtieth of that year. At any meeting of the salary commission, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the commission once the chairman is elected, and shall keep the minutes of the meeting.

6. For purposes of this section, the 1988 base compensation is the compensation paid on September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to the presiding commissioner or the sheriff, whichever is greater, of that county for the year beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference between the maximum allowable compensation and the compensation paid on September 1, 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall determine the compensation to be paid to every county officer holding office on January 1, 1988. The salary commission shall establish the compensation for each office at an amount not greater than that set by law as the maximum compensation. If the salary commission votes to increase compensation, but not to pay the maximum amount authorized by law for any officer or office, then the increase in compensation shall be the same percentage increase for all officers and offices and shall be expressed as a percentage of the difference between the maximum allowable compensation and the compensation being received at the time of the vote. If two-thirds of the members of the salary commission vote to decrease the compensation being received at the time of the vote below that compensation, all officers shall receive the same percentage decrease. The commission may vote

not to increase or decrease the compensation and that compensation shall continue to be the salary of such offices and officers during the subsequent term of office.

7. For the year 1989 and every second year thereafter, the salary commission shall meet in every county as many times as it deems necessary on or prior to November thirtieth of any such year for the purpose of determining the amount of compensation to be paid to county officials. For each year in which the commission meets, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the commission once the chairman is elected, and shall keep minutes of the meeting. The salary commission shall then consider the compensation to be paid for the next term of office for each county officer to be elected at their next general election. If the commission votes not to increase or decrease the compensation, the salary being paid during the term in which the vote was taken shall continue as the salary of such offices and officers during the subsequent term of office. If the salary commission votes to increase the compensation, all officers or offices whose compensation is being considered by the commission at that time, shall receive the same percentage of the maximum allowable compensation. However, for any county in which all offices' and officers' salaries have been set at one hundred percent of the maximum allowable compensation, the commission may vote to increase the compensation of all offices except that of full-time prosecuting attorneys at that or any subsequent meeting of the salary commission without regard to any law or maximum limitation established by law. Such increase shall be expressed as a percentage of the compensation being paid during the term of office when the vote is taken, and each officer or office whose compensation is being established by the salary commission at that time shall receive the same percentage increase over the compensation being paid for that office during the term when the vote is taken. This increase shall be in addition to any increase mandated by an official's salary schedule because of changes in assessed valuation during the current term. If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes, and all officers and offices shall receive the same percentage decrease.

8. The salary commission shall issue, not later than December fifteenth of any year in which it meets, a report of compensation to be paid to each officer and the compensation so set shall be paid beginning with the start of the subsequent term of office of each officer. The report of compensation shall be certified to the clerk of the county commission for the county and shall be in substantially the following form:

The salary commission for ..... County hereby certifies that it has met pursuant to law to establish compensation for county officers to be paid to such officers during the next term of office for the officers affected. The salary commission reports that there shall be (no increase in compensation) (an increase of ..... percent) (a decrease of ..... percent) (county officer's salaries set at ..... percent of the maximum allowable compensation). Salaries shall be adjusted each year on the official's year of incumbency for any change in the last completed assessment that would affect the maximum allowable compensation for that office.

9. For the meeting in 1989 and every meeting thereafter, in the event a salary commission in any county fails, neglects or refuses to meet as provided in this section, or in the event a majority of the salary commission is unable to reach an agreement and so reports or fails to certify a salary report to the clerk of the county commission by December fifteenth of any year in which a report is required to be certified by this section, then the compensation being paid to each affected office or officer on such date shall continue to be the

compensation paid to the affected office or officer during the succeeding term of office.

10. Other provisions of law notwithstanding, in every instance where an officer or employee of any county is paid a mileage allowance or reimbursement, the county commission shall allow or reimburse such officers or employees out of the county treasury at the highest rate paid to any county officer for each mile actually and necessarily traveled in the performance of their official duties. The county commission of any county may elect to pay a mileage allowance for any county commissioner for travel going to and returning from the place of holding commission meetings and for all other necessary travel on official county business in the personal motor vehicle of the commissioner presenting the claim. The governing body of any county of the first classification not having a charter form of government may provide by order for the payment of mileage expenses of elected and appointed county officials by payment of a certain amount monthly which would reflect the average monthly mileage expenses of such officer based on the amount allowed pursuant to state law for the payment of mileage for state employees. Any order entered for such purpose shall not be construed as salary, wages or other compensation for services rendered.

11. The term "maximum allowable compensation" as used in this section means the highest compensation which may be paid to the specified officer or office in the particular county based on the salary schedule established by law for the specified officer or office. If the salary commission at its meeting in 1987 voted for one hundred percent of the maximum allowable compensation and does not change such vote at its meeting held within thirty days after May 13, 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on the basis of the total allowable compensation permitted after May 13, 1988.

12. At the salary commission meeting which establishes the percentage rate to be applied to county officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county officers may be adjusted by the county commission, and if the adjustment of compensation is authorized, the percentage increase shall be the same for all county officers, not to exceed the percentage increase given to the other county employees. The compensation for all county officers may be set as a group, although the change in compensation will not become effective until the next term of office for each officer.

13. At the salary commission meeting in 1997 which establishes the salaries for those officers to be elected at the general election in 1998, the salary commission of each noncharter county may provide salary increases for associate county commissioners elected in 1996. This one-time increase is necessitated by the change from two- to four-year terms for associate commissioners pursuant to house bill 256, passed by the first regular session of the eighty-eighth general assembly in 1995."; and

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

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 4, Page 99, Line 60, by inserting after all of said line the following:

"**Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in Cole County. The property to be conveyed is more particularly described as follows:**

Part of Inlot No. 566, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning on the southerly line of

said Inlot, at a point 35 feet easterly from the southwesterly corner thereof; thence easterly along the said southerly line, 32 feet; thence northerly parallel with Mulberry Street, 86 feet; thence westerly parallel with the southerly line of said Inlot, 32 feet; thence southerly parallel with Mulberry Street, 86 feet, to the point of beginning.

ALSO: Part of Inlots Nos. 566 and 567, in the City of Jefferson, Missouri, more particularly described as follows:

From the southwesterly corner of said Inlot No. 566; thence easterly along the southerly line thereof, 67 feet, to the southeasterly corner of a tract conveyed to Joseph R. Kroeger and wife, by deed of record in Book 172, page 693, Cole County Recorder's Office, and the beginning point of this description; thence northerly along the easterly line of the said Kroeger tract, 86 feet, to the northeasterly corner thereof; thence easterly parallel with the southerly line of Inlots Nos. 566 and 567, 51 feet; thence southerly parallel with the easterly line of the said Kroeger tract, 86 feet, to the southerly line of Inlot No. 567; thence westerly along the southerly line of Inlots Nos. 567 and 566, 51 feet, to the beginning point of this description.

40 feet off of the easterly side of Inlot No. 565 in the City of Jefferson, Missouri, and more particularly described as follows:

Beginning at the northeasterly corner of said Inlot 565 on McCarty Street, thence running westerly along McCarty Street 40 feet; thence southerly parallel with Mulberry Street 198 feet 9 inches to the Public Alley; thence easterly along said alley 40 feet; thence northerly along the line between Inlots Nos. 565 and 566, 198 feet 9 inches to the point of beginning.

Part of Inlot 566 in the City of Jefferson, Missouri, described as follows:

Beginning at the northwesterly corner of said inlot; thence easterly along McCarty Street, 35 feet; thence southerly parallel with Mulberry Street, 198 feet 9 inches; thence westerly along alley, 35 feet; thence northerly parallel with Mulberry Street, 198 feet 9 inches to beginning.

The southwesterly part of Inlot No. 565, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at the southwesterly corner of said Inlot No. 565; thence northerly with the westerly line thereof, 45 feet; thence easterly parallel with the southerly line thereof, 64 feet 4 1/2 inches; thence southerly parallel with the westerly line, 45 feet, to the southerly line thereof; thence westerly with the southerly line, 64 feet 4 1/2 inches, to the point of beginning.

Part of Inlot No. 565, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at a point on the westerly line of said Inlot, which said point is 45 feet northerly from the southwesterly corner thereof; thence easterly parallel with McCarty Street, 64 feet 4-1/2 inches; thence northerly parallel with Mulberry Street, 36 feet 10-1/2 inches; thence westerly parallel with McCarty Street; 64 feet 4-1/2 inches, to the westerly line of said Inlot; thence southerly along the westerly line of said Inlot, 36 feet 10-1/2 inches, to the point of beginning.

The northeasterly part of Inlot No. 566, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at the northeasterly corner of said Inlot No. 566; thence westerly along the northerly line thereof, 37 feet 4 inches; thence southerly parallel with the easterly line of said Inlot, 112 feet 9 inches; thence easterly parallel with the southerly line of said Inlot No. 566, 37 feet 4 inches, to the easterly line of said Inlot; thence northerly along said easterly line, 112 feet 9 inches, to the point of beginning.

Also

Part of the westerly half of Inlot No. 567, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at the northwesterly corner of said Inlot No. 567; thence easterly along the northerly line thereof, 52 feet 2-1/4 inches; thence southerly parallel with the westerly 1ine of said Inlot, 198 feet 9 inches, to the southerly line thereof; thence westerly along the said southerly line, 38 feet 6-1/4 inches, more or less, to the southeasterly corner of a tract conveyed to Joseph L. Kroeger and wife, by deed of record in Book 200, page 33, Cole County Recorder's Office; thence northerly along the easterly line thereof, 86 feet, to the northeasterly corner of said tract; thence westerly along the northerly line thereof, 13 feet 8 inches, more or less, to the westerly line of said Inlot No. 567; thence northerly along the said westerly line, 112 feet 9 inches, to the point of beginning.

Part of Inlot 566 in the City of Jefferson, Missouri, described as follows:

Beginning on the northerly line of said Inlot at a point which is 35 feet easterly of the northwest corner thereof, thence easterly along said northerly line 32 feet; thence southerly parallel with Mulberry Street 112 feet 9 inches; thence westerly parallel with the northerly line of said Inlot 32 feet; thence northerly 112 feet 9 inches to point of beginning.

Part of Inlot No. 567, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning on the northerly line of said Inlot No. 567, a distance of 12 feet 2 1/4 inches westerly from the northeasterly corner thereof; thence westerly along said northerly line, a distance of 40 feet; thence southerly parallel with the easterly line of said Inlot, a distance of 92 feet 3 inches, to the northerly line of a private alley; thence easterly along said northerly line of said alley and parallel with the northerly line of said Inlot, a distance of 40 feet; thence northerly parallel with the easterly line of said Inlot, a distance of 92 feet 3 inches, to the point of beginning.

Also the use of a 10 foot private alley touching upon and immediately adjacent to the southerly boundary line of the above described tract and running to the easterly line of Inlot No. 568.

Part of Inlots Nos. 567 and 568, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning on the northerly line of Inlot No. 568, 65 feet westerly from the northeasterly corner of said Inlot; thence westerly along the northerly line of Inlots Nos. 568 and 567, 51 feet 6-3/4 inches; thence southerly parallel with the westerly line of Inlot No. 568, 92 feet 3 inches, to the northerly line of a private alley; thence easterly along the northerly line of said alley and parallel with the northerly line of Inlots Nos. 567 and 568, 51 feet 6-3/4

inches; thence northerly parallel with the easterly line of said Inlot No. 568, 92 feet 3 inches, to the point of beginning.

Also the use of a ten foot private alley touching upon and immediately adjacent to the southerly boundary line of the above described tract and running to the easterly boundary line of Inlot No. 568.

Part of Inlot No. 568, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at the northeasterly corner of Inlot No. 568; thence westerly along the northerly line thereof, 65 feet; thence southerly parallel with the easterly line of said Inlot, 92 feet 3 inches; thence easterly parallel with the northerly line of said Inlot 65 feet, to the easterly line thereof; thence northerly along said easterly line, a distance of 92 feet 3 inches, to the point of beginning.

ALSO: A private alley, subject to existing easements, more particularly described as follows:

Beginning at a point on the easterly line of said Inlot No. 568, in the City of Jefferson, Missouri, said point being 96 feet 6 inches northerly of the southeasterly corner of said Inlot; thence northerly along the said easterly line, 10 feet; thence westerly parallel with McCarty Street, 156 feet 6-3/4 inches, to a point 52 feet 2-1/4 inches westerly of the easterly line of Inlot No. 567; thence southerly parallel with Broadway Street, 106 feet 6 inches, to the southerly line of Inlot No. 567; thence easterly along the southerly line of said Inlot, 10 feet; thence northerly parallel with Broadway Street, 96 feet 6 inches; thence easterly parallel with McCarty Street, 146 feet 6 3/4 inches, to the point of beginning; per Decree of the Circuit Court of Cole County, Missouri, entered March 7, 1925.

Part of Inlot No. 565 in the City of Jefferson, Missouri, described as follows:

Beginning at the northwesterly corner of said inlot; thence easterly along the northerly line thereof 64 feet 4-1/2 inches; thence southerly parallel with the westerly line of said inlot 80 feet; thence westerly parallel with the northerly line of said inlot 64 feet 4-1/2 inches; thence northerly along westerly line of said inlot 80 feet to the point of beginning.

Part of Inlot 565 in the City of Jefferson, Missouri, and more particularly described as follows:

Beginning at a point on the westerly line of said Inlot 565 which is 80 feet southerly from the northwesterly corner of said Inlot, thence southerly along the westerly line thereof 36 feet 10-1/2 inches, thence easterly parallel with McCarty Street, 64 feet 4-1/2 inches, thence northerly parallel with Mulberry Street 36 feet 10-1/2 inches, thence westerly parallel with McCarty Street 64 feet 4-1/2 inches to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend said bill by amending the title, enacting clause, and intersectional references

accordingly.

HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 15, Section 56.660, Line 11, by inserting after said language the following:

"58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

(1) Violence by homicide, suicide, or accident;

(2) Criminal abortions, including those self-induced;

(3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;

(4) In any unusual or suspicious manner;

(5) Any injury or illness while in the custody of the law or while an inmate in a public institution; the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or **[**his**]** deputy **coroner** shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. **[**He**] The coroner or deputy coroner** may take the names and addresses of witnesses to the death and shall file this information in **[**his**] the coroner's** office. The coroner or **[**his**]** deputy **coroner** shall take possession of all property of value found on the body, making exact inventory of such property on **[**his**] the** report and shall direct the return of such property to the person entitled to its custody or possession. The coroner or **[**his**]** deputy **coroner** shall take possession of any object or article which, in **[**his**] the coroner or the deputy coroner's** opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the determination if further investigation is necessary, based on information provided by the individual contacting the coroner, and immediately advise such individual of the coroner's intentions.

3. Upon taking charge of the dead body and before moving the body the coroner shall notify the police department of any city in which the dead body is found, or if the dead body is found in the unincorporated area of a county governed by the provisions of sections 58.451 to 58.457, the coroner shall notify the county sheriff **[**and**] or** the highway patrol and cause the body to remain unmoved until the police department, sheriff or the highway patrol has inspected the body and the surrounding circumstances and carefully noted the appearance, the condition and position of the body and recorded every fact and circumstance tending to show the cause and manner of death, with the names and addresses of all known witnesses, and shall subscribe the same and make such record a part of **[**his**] the coroner's** report.

4. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the coroner, upon being advised of such facts, may at **[**his**] the coroner's** own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

5. The coroner shall certify the cause of death in any case under **[**his**] the coroner's** charge when a physician is unavailable to sign a certificate of death.

6. When the cause of death is established by the coroner, **[**he**] the coroner** shall file a copy of **[**his**] the** findings in **[**his**] the coroner's** office

within thirty days.

7. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner determines that a further examination is necessary in the public interest, the coroner on **[**his**] the coroner's** own authority may make or cause to be made an autopsy on the body. The coroner may on **[**his**] the coroner's** own authority employ the services of a pathologist, chemist, or other expert to aid in the examination of the body or of substances supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert is not already employed by the city or county for the discharge of such services, **[**he**] the pathologist, chemist, or other expert** shall, upon written authorization of the coroner, be allowed reasonable compensation, payable by the city or county, in the manner provided in section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each fact and circumstance tending to show the condition of the body and the cause and manner of death.

8. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner considers a further inquiry and examination necessary in the public interest, **[**he**] the coroner** shall make out **[**his**] the coroner's** warrant directed to the sheriff of the city or county requiring **[**him**] the sheriff** forthwith to summon six good and lawful citizens of the county to appear before the coroner, at the time and place expressed in the warrant, and to inquire how and by whom the deceased **[**came to his death**] died**.

9. **(1)** When a person is being transferred from one county to another county **or into the state of Missouri** for medical treatment and such person dies while being transferred, **or dies while being treated in the emergency room of the receiving facility** the **[**county**] place** from which the person is first removed shall be considered the place of death and the county coroner **or medical examiner** of the county **or state** from which the person was being transferred shall be responsible for the **Missouri** certificate of death and for investigating the cause and manner of the death. **[**If**]**

(2) The coroner or medical examiner in the county in which the person **[**died believes that further investigation is warranted and a postmortem examination is needed, such coroner or medical examiner shall have the right to further investigate and perform the postmortem examination**] is determined to be dead may with authorization of the coroner or medical examiner from the transferring county or state, investigate and conduct postmortem examinations** at the expense of **[**such**] the** coroner or medical examiner **[**and shall be**] from the transferring county or state. The coroner or medical examiner from the transferring county or state shall be** responsible for the **Missouri** certificate of death and for investigating the cause and manner of the death. **[**Such**]**

(3) The emergency room staff or the coroner or medical examiner **from the county where a person is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which the person was being transferred of the death of such person **[**and after an investigation is completed shall notify such coroner or medical examiner of his findings**], and shall make available information and records necessary for investigation of the death**.

(4) If a person does not die while being transferred and is institutionalized **as a regularly admitted patient** after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person **[**dies**] is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which such person was transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death.

(5) In the case of death by homicide, suicide, accident, criminal abortion including

those that are self-induced, child fatality, or by any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county or state of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death.

(6) There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, child fatality, criminal abortion including those self-induced, or by any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead. The final investigation of death in determining the cause and manner of death shall revert to the county or state of origin, and the coroner or medical examiner of such county or state shall be responsible for the Missouri certificate of death.

10. Except as provided in subsection 9 of this section, if a person dies in one county and **[**his**] the** body is subsequently transferred to another county **or into the state of Missouri, for burial or other reasons**, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

11. In performing **[**his**] the** duties **of the office**, the coroner or medical examiner shall make reasonable efforts to accommodate organ **and tissue** donation.

58.720. 1. When any person dies within a county having a medical examiner as a result of:

(1) Violence by homicide, suicide, or accident;

(2) Thermal, chemical, electrical, or radiation injury;

(3) Criminal abortions, including those self-induced;

(4) Disease thought to be of a hazardous and contagious nature or which might constitute a threat to public health; or when any person dies:

(a) Suddenly when in apparent good health;

(b) When unattended by a physician, chiropractor, or an accredited Christian Science practitioner, during the period of thirty-six hours immediately preceding his death;

(c) While in the custody of the law, or while an inmate in a public institution;

(d) In any unusual or suspicious manner;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the office of the medical examiner of the known facts concerning the time, place, manner and circumstances of the death.

Immediately upon receipt of notification, the medical examiner or his designated assistant shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The medical examiner or his designated assistant shall take possession of all property of value found on the body, making exact inventory thereof on his report and shall direct the return of such property to the person entitled to its custody or possession. The medical examiner or his designated assistant examiner shall take possession of any object or article which, in his opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county medical examiner. Immediately upon receipt of such notification, the medical examiner or the medical examiner's deputy shall make a determination if further investigation is necessary, based on information provided by the individual contacting the medical examiner, and immediately advise such individual of the medical examiner's intentions.

3. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the medical examiner, upon being advised of such facts, may at his own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

4. The medical examiner shall certify the cause of death in any case where death occurred without medical attendance or where an attending physician refuses to sign a certificate of death, and may sign a certificate of death in the case of any death.

5. When the cause of death is established by the medical examiner, he shall file a copy of his findings in his office within thirty days after notification of the death.

6. **(1)** When a person is being transferred from one county to another county **or into the state of Missouri** for medical treatment and such person dies while being transferred, **or dies while being treated in the emergency room of the receiving facility,** the **[**county**] place** from which the person is first removed shall be considered the place of death and the **county coroner or** medical examiner of the county **or state** from which the person was being transferred shall be responsible for the **Missouri** certificate of death and for investigating the cause and manner of the death. **[**If**]**

(2) The coroner or medical examiner in the county in which the person **[**died believes that further investigation is warranted and a postmortem examination is needed, such coroner or medical examiner shall have the right to further investigate and perform the postmortem examination**] is determined to be dead may, with authorization of the coroner or medical examiner from the transferring county or state, investigate and conduct postmortem examinations** at the expense of **[**such**] the** coroner or medical examiner **[**and shall be**] from the transferring county. The coroner or medical examiner from the transferring county or state shall be** responsible for the **Missouri** certificate of death and for investigating the cause and manner of the death. **[**Such**]**

(3) The emergency room staff or the coroner or medical examiner **from the county where a person is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which the person was being transferred of the death of such person **[**and after an investigation is completed shall notify such coroner or medical examiner of his findings**], and shall make available information and records necessary for investigation of the death**.

(4) If a person does not die while being transferred and is institutionalized **as a regularly admitted patient** after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person **[**dies**] is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which such person was transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death.

(5) In the case of death by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or by any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county or state of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death.

(6) There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, criminal abortion including those self-induced, child fatality, or by any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead, but the final investigation of death determining the cause and manner of death shall revert to the

county or state of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death.

7. Except as provided in subsection 6 of this section, if a person dies in one county and **[**his**]** **the** body is subsequently transferred to another county **or into the state of Missouri, for burial or other reasons**, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

8. In performing **[**his**]** **the** duties, the coroner or medical examiner shall make reasonable efforts to accommodate organ **and tissue** donation."; and

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

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 99, Section 4, Line 60, by inserting after all of said line the following:

"Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at the Fort Davidson Historic Site to the City of Pilot Knob. The property to be conveyed is more particularly described as follows:

A tract of land situated in the City of Pilot Knob, County of Iron and the State of Missouri, lying in Part of Section 30, Township 34 North, Range 4 East of the Fifth Principal Meridian, described as follows, to wit: Commencing at the common corner of Sections 29, 30, 31 and 32, Township 34 North, Range 4 East, described on Survey Document Number 600-64159 as shown on a survey by PLS-2550 dated January 20, 2000 and filed with the Missouri Land Survey in Document Number 750-26834; thence along the line between Sections 29 and 30, North 00º45'46" East, 982.52 feet to an iron pin with cap by said PLS 2550; thence leaving said section line, West, 768.18 feet to an iron pin with cap by said PLS 2550 on the East right-of-way line of a County Road; thence along said County Road, North 30º50'55" West, 596.36 feet to the POINT OF BEGINNING of the tract herein described; thence continuing along said East right-of-way line, North 30º50'55" West, 6.84 feet to an iron pin with cap by said PLS 2550; thence leaving said East right-of-way line, North 07º30'05" West, 132.59 feet to a drill rod; thence North 24º07'24" West, 467.55 feet to an iron pin with cap by said PLS 2550; thence North 37º10'36" East, 265.27 feet to a drill rod; thence South 25º47'23" East, 332.36 feet to an iron pin; thence South 22º56'24" East, 642.56 feet to an iron pin; thence South 86º24'35" West, 573.80 feet to the point of beginning. Containing 9.07 Acres, more or less and being part of a larger parcel described in Book 359 at Page 756 of the Land Records of Iron County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance."; and

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

HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 67.1305, Page 28,

Line 183, by inserting immediately after said Line the following:

"67.1754. The sales tax authorized in sections 67.1712 to 67.1721 shall be collected and allocated as follows:

(1) Fifty percent of the sales taxes collected from each county shall be deposited in the metropolitan park and recreational fund to be administered by the board of directors of the district to pay costs associated with the establishment, administration, operation and maintenance of public recreational facilities, parks, and public recreational grounds associated with the district. Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision;

(2) Fifty percent of the sales taxes collected from each county shall be returned to the source county for park purposes, except that forty percent of such fifty percent amount shall be reserved for distribution to municipalities within the county in the form of grant revenue-sharing funds. Each county in the district shall establish its own process for awarding the grant proceeds to its municipalities for park purposes provided the purposes of such grants are consistent with the purpose of the district. In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in section 67.1757**; in such county, notwithstanding other provisions to the contrary, the grant proceeds may be used to fund any recreation program or park improvement serving municipal residents and for such other purposes as set forth in section 67.1757**."; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 15, Section 56.660, Line 11, by inserting immediately after said Line the following:

"59.005. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Document" or "instrument", any writing or drawing presented to the recorder of deeds for recording;

(2) "File", "filed" or "filing", the act of delivering or transmitting a document to the recorder of deeds for recording into the official public record;

(3) "Grantor" or "grantee", the names of the parties involved in the transaction used to create the recording index;

(4) "Legal description", includes but is not limited to the lot or parts thereof, block, plat or replat number, plat book and page and the name of any recorded plat or a metes and bounds description with acreage, if stated in the description, or the quarter/quarter section, and the section, township and range of property, or any combination thereof. The address of the property shall not be accepted as legal description;

(5) "Legible", all text, seals, drawings, signatures or other content within the document must be capable of producing a clear and readable image from record, regardless of the process used for recording;

(6) "Page", any writing, printing or drawing printed on one side only covering all or part of the page, not larger than eight and one-half inches in width and eleven inches in height for pages other than a plat or survey;

(7) "Record", "recorded" or "recording", the recording of a document into the official public record, regardless of the process used;

(8) "Recorder of deeds", the separate recorder of deeds in those counties where separate from the

circuit clerk and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.

(9) "Copying" or "Reproducing" any recorded instrument or document, the act of making a single reproduction in any medium of a recorded document or instrument;

(10) "Duplicate" copies, copies requested concurrently with, but in excess of one reproduction in any medium of a recorded instrument or document or collection thereof."; and

Further amend said House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 473.771, Page 94, Line 55, by inserting after said line the following:

483.537. The clerk of any state court who, by deputy or otherwise, takes or processes applications for passports or their renewal shall account for the fees charged for such service [, and remit eighty percent of the same on the last day of each month to the state, and twenty percent to the county where the application was taken] **and for the expenditure of such fee in an annual report made to the presiding judge and the office of the state courts administrator. Such fees shall be only for the maintenance of the courthouse or to fund operations of the circuit court**."; and

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

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 233.295, Page 79, Line 60, by inserting after all of said line the following:

"**7. Notwithstanding other provisions of this section to the contrary, in any county, any petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to the county commission or similar authority. The petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission shall disincorporate the road district. This subsection shall not apply to any road district located in two counties.**

8. Notwithstanding other provisions of this section to the contrary, in any county, a petition to disincorporate a road district located in two counties organized under sections 233.170 to 233.315 shall be presented to the county commission or similar authority in each county in which the road district is located. Each petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district and county, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission in each county in which the road district is located that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission in each county in which the road district is located shall disincorporate the road district. A road district located in two counties shall not be disincorporated until it is disincorporated in each county in which it is located."; and

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

HOUSE AMENDMENT NO. 29

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 38, Section 99.1082,

Line 62, by inserting after "assessments." the following: **Provided however, the governing body of any county may, by resolution, exclude any portion of any county-wide sales tax of such county.**".

HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 55, Section 137.071, Line 24, by inserting after all of said line the following:

"**137.102. As used in this section and section 137.104, the following terms shall mean:**

(1) "Homestead", a taxpayer-owned and occupied principle dwelling real or personal property, along with appurtenances thereto and personal property thereon and up to five acres of land surrounding it as it is reasonably necessary for use of the dwelling as a home; provided, however, that the dwelling shall have been owned in fee simple by said taxpayer for a continuous period of not less than five years. If the homestead is located in a multi-unit building, the homestead is the portion of the building actually used as the principle dwelling and its percentage of the value of the common elements and of the value of the property upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of common elements, if any;

(2) "Household", a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling;

(3) "Household income", the federal adjusted gross income as defined in Section 62 of the United States Internal Revenue Code, of all members in the household;

(4) "Individual with a disability", a taxpayer with a physical or mental impairment which substantially limits one or more of a person's major life activities, or who is regarded as having such an impairment, or has a record of having such an impairment;

(5) "Tax-deferred property", the property upon which increases in taxes are deferred under this section;

(6) "Taxes" or "property taxes", ad valorem taxes, assessments, fees, and charges entered on the assessment and tax roll.

137.104. 1. Beginning January 1, 2006, any taxpayer sixty-five years of age or older with a household income of seventy thousand dollars or less, or any individual with a disability receiving Social Security income, may elect to defer any increases in taxes on homestead property beyond the total property taxes paid in the previous year, by obtaining a deferral after January first and on or before October fifteenth of the first year in which deferral is first claimed.

2. In order to qualify for tax deferral under this section, the following requirements must be met when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

(1) The property must be the homestead of the taxpayer who files the claim for deferral, except for a taxpayer required to be absent from the homestead by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(2) The homestead must be located in a county with a charter form of government and with more than one million inhabitants;

(3) There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule, or regulation applicable to a mortgage, trust deed, land sale contract for which the homestead is security;

(4) The equity interest in the homestead must equal or exceed ten percent of the true value in money of the homestead; and

(5) The taxpayer claiming the deferral must show proof of, and maintain throughout the deferral period, insurance on the homestead in an amount equal to or exceeding the assessed value of the homestead.

3. A taxpayer's claim for deferral under this section shall be filed with the county assessor in writing on a form supplied by the department of revenue and shall:

(1) Describe the homestead;

(2) Recite facts establishing the eligibility for the deferral under the provisions of section 137.102, including facts that establish that the household income of the individual or individuals in the household was, for the calendar year immediately preceding the calendar year in which the claim was filed, seventy thousand dollars or less; or

(3) Have attached any documentary proof required by the director to show that the requirements of this section have been met. A federal income tax return shall be determined as proof of eligibility under this income guideline.

4. The county assessor shall forward each claim filed under this section to the director of revenue, who shall determine if the property is eligible for deferral. If eligibility for deferral of homestead property taxes is established, the director of revenue shall notify the county assessor collector who shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

5. The portion of increased taxes due beyond the total base amount of ad valorem property taxes paid in 2005 shall be deferred, and the county assessor or collector shall maintain accounts for each deferred property and shall accrue interest only on the amount of taxes deferred. The interest rate shall be two and one-half percent annually. The director of revenue shall have a lien on the homestead property in the amount of the deferred taxes and interest due.

6. The lien created under this section shall have the same priority as other real property tax liens except that the lien of mortgages, trust deeds, or security interests which are recorded or noted on a certificate of title prior in time to the attachment of the lien for deferred taxes shall be prior to the liens for deferred taxes.

7. Deferred ad valorem taxes and accrued interest shall become due and payable when:

(1) The taxpayer who claimed deferment of collection of property taxes on the homestead dies, or if there was more than one claimant, the survivor of the taxpayer who originally claimed the deferment of collection of property taxes under this section dies;

(2) The property with respect to which deferment of collection of taxes is claimed is sold or otherwise transferred;

(3) The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(4) The tax-deferred property is a manufactured structure or floating home which is moved out of the state.

8. Whenever any of the circumstances listed in this subsection occurs, the deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year, and the amounts of deferred property taxes, including accrued interest, for all years shall be due and payable on the date of closing or the date of probate to the director of revenue. If the homestead property is removed from the state, the amount of deferred taxes shall be due and payable five days before the date of removal of the property from the state.

All payments of deferred taxes shall be made to the county collector and shall be distributed in accordance with the then-current distribution plan.

9. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations that they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulation, as amended.

10. The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly."; and

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

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 400**—Pensions, Veterans' Affairs and General Laws.

HCS for **HB 649**—Ways and Means.

HCS for **HB 91**—Ways and Means.

HCS for **HBs 500 & 533**—Small Business, Insurance and Industrial Relations.

HCS for **HB 474**—Small Business, Insurance and Industrial Relations.

HCS for **HB 560**—Ways and Means.

REFERRALS

President Pro Tem Gibbons referred **SCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for **HB 365**, entitled:

An Act to repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff's revolving fund, with an emergency clause.

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

Senator Koster assumed the Chair.

On motion of Senator Crowell, **HCS** for **HB 365** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Bray	Days	Dougherty—3

Absent—Senators

Alter	Ridgeway—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—28

NAYS—Senators

Days	Dougherty	Wilson—3

Absent—Senators

Alter Bray Ridgeway—3

Absent with leave—Senators—None

Vacancies—None

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

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

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

HCS for **HB 441**, with **SCS**, entitled:

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

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

SCS for **HCS** for **HB 441**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 441

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Was taken up.

Senator Cauthorn moved that **SCS** for **HCS** for **HB 441** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **HCS** for **HB 441**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 441

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Senator Cauthorn moved that **SS** for **SCS** for **HCS** for **HB 441** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 441, Page 25, Section 195.017, Line 2, by inserting after all of said line the following:

"195.214. 1. A person commits the offense of distribution of a controlled substance near schools if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a **residence of an in-home child care provider, a child care facility, a long-term care facility,** public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university or on any school bus.

2. Distribution of a controlled substance near schools is a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

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

Senator Cauthorn moved that **SS** for **SCS** for **HCS** for **HB 441** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SS** for **SCS** for **HCS** for **HB 441** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Ridgeway Shields—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

HCS for **HB 347**, with **SCS**, entitled:

An Act to amend chapter 431, RSMo, by adding thereto seven new sections relating to resolution of disputes concerning alleged defective residential construction.

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

SCS for **HCS** for **HB 347**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 347

An Act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to residential housing, with an effective date for a certain section.

Was taken up.

Senator Dolan moved that **SCS** for **HCS** for **HB 347** be adopted.

Senator Dolan offered **SS** for **SCS** for **HCS** for **HB 347**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 347

An Act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to residential housing.

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HB 347** be adopted.

At the request of Senator Dolan, **HCS** for **HB 347**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

HB 479, introduced by Representative Ervin, entitled:

An Act to repeal section 67.792, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

Was called from the Consent Calendar and

taken up by Senator Ridgeway.

On motion of Senator Ridgeway, **HB 479** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Days Klindt—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 423, with **SCS**, introduced by Representative Kuessner, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Highway Patrolman Robert Kolilis Memorial Highway.

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

SCS for **HB 423**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 423

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the establishment of memorial highways.

Was taken up.

Senator Engler moved that **SCS** for **HB 423** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HB 423** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 528, with **SCS**, introduced by Representative Cunningham (145), entitled:

An Act to repeal section 142.815, RSMo, and to enact in lieu thereof one new section relating to motor fuel tax.

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

SCS for **HB 528**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 528

An Act to repeal section 142.815, RSMo, and

to enact in lieu thereof one new section relating to motor fuel tax.

Was taken up.

Senator Clemens moved that **SCS** for **HB 528** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **HB 528** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 618, with **SCS**, introduced by Representative Bearden, et al, entitled:

An Act to repeal section 43.050, RSMo, and to enact in lieu thereof one new section relating to exemptions to highway patrol personnel.

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

SCS for **HB 618**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 618

An Act to repeal sections 43.050 and 304.022, RSMo, and to enact in lieu thereof two new sections relating to law enforcement, with penalty provisions.

Was taken up.

Senator Dolan moved that **SCS** for **HB 618** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **HB 618** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Green	Klindt—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 297**, with **SCS**, entitled:

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to school accountability report cards.

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

SCS for **HCS** for **HB 297**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 297

An Act to repeal sections 105.458, 160.522, 168.104, 168.211, 168.221, 168.261, and 168.515, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 297** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 297** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 443**, with **SCS**, entitled:

An Act to repeal sections 169.010, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.140, 169.555, 169.560, 169.561, 169.569, 169.600, 169.610, 169.620, 169.630, 169.650, 169.655, 169.670, 169.673, and 169.712, RSMo, and to enact in lieu thereof twenty-two new sections relating to public school retirement, with a penalty provision.

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

SCS for **HCS** for **HB 443**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 443

An Act to repeal sections 169.010, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.140, 169.555, 169.560, 169.561, 169.569, 169.600, 169.610, 169.620, 169.630, 169.650, 169.655, 169.670, 169.673, and 169.712, RSMo, and to enact in lieu thereof twenty-two new sections relating to public school retirement, with a penalty provision.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 443** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 443** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS No. 2 for **HB 232**, with **SCS**, entitled:

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to patient health care records.

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

SCS for **HCS No. 2** for **HB 232**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 232

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to patient health care records.

Was taken up.

Senator Ridgeway moved that **SCS** for **HCS No. 2** for **HB 232** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **HCS No. 2** for **HB 232** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Barnitz—1

Absent—Senators

Dolan	Dougherty—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 229, with **SCS**, introduced by Representative Portwood, et al, entitled:

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the homestead exemption for the elderly.

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

SCS for **HB 229**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 229

An Act to repeal sections 135.010 and 137.106, RSMo, and to enact in lieu thereof two new sections relating to the homestead preservation tax credit.

Was taken up.

Senator Gross moved that **SCS** for **HB 229** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 229** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 237** and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 237**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 665**, entitled:

An Act to repeal sections 71.620, 256.468, 324.010, 328.010, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075, 328.080, 328.085, 328.090, 328.110, 328.115, 328.120, 328.130, 328.160, 329.010, 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100, 329.110, 329.120, 329.130, 329.170, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, 329.250, 329.260, 329.265, 334.735, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.600, 337.603, 337.615, 337.618, 337.653, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.095, 344.040, 374.710, 374.730, 374.783, 374.786, 436.218, 571.030, 620.1900, and 621.045, RSMo, and to enact in lieu thereof one hundred seventeen new sections relating to regulation of professional licensees, with penalty provisions and an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 697**, entitled:

An Act to repeal sections 307.366, 643.315, and 643.335, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles emissions testing, with penalty provisions and an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 880**, entitled:

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof seven new sections relating to state purchasing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 210**, 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.

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

RECESS

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

THIRD READING OF SENATE BILLS

SJR 19, introduced by Senator Ridgeway, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of veterans' organizations.

Was taken up.

On motion of Senator Ridgeway, **SJR 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Klindt	Koster
Wheeler—5			

Absent with leave—Senators—None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Ridgeway, title to the joint resolution was agreed to.

Senator Ridgeway moved that the vote by which the joint resolution passed be reconsidered.

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

SCS for **SB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 3

An Act to repeal sections 135.327 and 135.329, RSMo, and to enact in lieu thereof two new sections relating to adoption tax credits, with an emergency clause.

Was taken up by Senator Loudon.

Senator Scott assumed the Chair.

At the request of Senator Loudon, **SCS** for **SB 3** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HCS for **HB 58**, with **SCS**, entitled:

An Act to repeal sections 49.082, 49.093, 49.272, 50.343, 50.760, 50.770, 50.780, 55.160, 67.1850, 71.794, 82.291, 82.1025, 94.700, 247.060, 247.180, 249.1150, 249.112, 250.140, 278.240, 321.120, 321.190, 321.322, 321.603, 447.620, 447.622, 447.625, 447.640, and 573.505, RSMo, and to enact in lieu thereof forty-four new sections relating to political subdivisions, with an emergency clause for a certain section.

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

SCS for **HCS** for **HB 58**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 58

An Act to repeal sections 44.090, 49.093, 49.272, 50.343, 50.530, 50.540, 50.760, 50.770, 50.780, 50.1030, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 64.215, 65.110, 65.160, 65.460, 65.490, 65.600, 67.469, 67.1003, 67.1350, 67.1401, 67.1451, 67.1754, 67.1775, 67.1850, 71.794, 82.291, 82.1025, 94.270, 94.700, 100.050, 100.059, 115.019, 136.010, 136.160, 137.115, 137.465, 137.585, 137.720, 138.100, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 165.071, 190.010, 190.015, 190.090, 190.292, 190.335, 205.010, 210.860, 210.861, 231.444,

242.560, 245.205, 247.060, 247.180, 249.1152, 249.1154, 250.140, 263.245, 278.240, 301.025, 320.121, 321.120, 321.190, 321.322, 321.552, 321.554, 321.603, 349.045, 447.620, 447.622, 447.625, 447.640, 473.770, 473.771, 488.2220, and 559.607, RSMo, and to enact in lieu thereof one hundred nineteen new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 58** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 58**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 58

An Act to repeal sections 44.090, 49.093, 49.272, 50.343, 50.530, 50.760, 50.770, 50.780, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 59.005, 64.215, 65.110, 65.160, 65.460, 65.490, 65.600, 67.469, 67.1003, 67.1062, 67.1067, 67.1069, 67.1070, 67.1350, 67.1401, 67.1451, 67.1754, 67.1775, 67.1850, 71.794, 82.291, 82.1025, 94.270, 94.700, 100.050, 100.059, 105.711, 115.019, 136.010, 136.160, 137.078, 137.115, 137.465, 137.585, 137.720, 138.100, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 165.071, 190.010, 190.015, 190.090, 190.292, 190.335, 205.010, 210.860, 210.861, 217.905, 231.444, 233.295, 242.560, 245.205, 247.060, 247.180, 249.1152, 249.1154, 250.140, 263.245, 278.240, 301.025, 320.121, 321.120, 321.190, 321.322, 321.603, 349.045, 447.620, 447.622, 447.625, 447.640, 473.770, 473.771, 488.2220, 559.607, RSMo, and section 137.130 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session and as enacted by conference committee substitute for house committee substitute for senate bill no. 219, ninetieth general assembly, first regular session, and to enact in lieu thereof one hundred thirty-three new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 58** be adopted.

Senator Dolan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 81, Section 94.270, Line 8, by inserting after all of said line the following:

"94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to **[**one-half of**]** one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of . . . . . .(county's or city's name) impose a county/city-wide sales tax of . . . . . percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES ☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but

no sooner than thirty days after such adoption and notice. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the record shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

6. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

7. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county."; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 93, Section 94.860, Line 17, of said page by inserting after all of said line the following:

"**99.866. 1. For all redevelopment areas, redevelopment plans, and redevelopment projects designated and approved after December 31, 2005, tax increment financing shall not be used for more than twenty percent of the total estimated redevelopment costs of a project that is primarily retail. Tax increment financing shall not be used to develop retail sites in which twenty-five percent or more of the area is vacant and has not been previously developed or qualifies as "open space" under section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes, except where the redevelopment project is contained in the municipality's comprehensive plan adopted prior to January 1, 2002.**"; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

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

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 1, Section 99.866, Line 14 of said amendment, by inserting after "2002." the following: "**The provisions of this section shall apply only to a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants.**".

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Dolan, **SA 2** was withdrawn, rendering **SA 1** to **SA 2** moot.

Senator Dolan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, by inserting after all of said line the following:

"409.107. **[**No**]** **Any** investment firm**[**, legal**]** **offering municipal bond underwriting of financial advisory services or any law** firm offering bond counsel services, or any persons having an interest in any such firms shall **[**be involved in any manner in the issuance of bonds authorized by an election in which the firm or person made any contribution of any kind whatsoever to any campaign in support of the bond election **] limit their contributions in the campaign in support of a general obligation bond election to an in-kind nature consisting of organization suggestions, promotional materials development, preparation of suggested election strategies, attendance at public forums to answer questions regarding the financing and legal issues involved, and other activities that do not involve any direct financial contributions**."; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 181, Section 198.345, Line 24 of said page, by striking "assisted living facilities" and inserting in lieu thereof the following: "**apartments for seniors that provide at a minimum housing, food services, and emergency call buttons to the apartment residents**"; and

Further amend said bill and section, page 182, line 2 of said page, by striking the following: "For purposes"; and further amend lines 3-10 of said page, by striking all of said lines and inserting in lieu thereof the following: " **Such nursing home districts shall not lease such apartments for less**

than fair market rent as reported by the United States Department of Housing and Urban Development.".

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

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, of said page by inserting after all of said line the following:

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

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

393.016. 1. Notwithstanding any other provision of law, any municipality providing water, or any water district established under chapter 247, RSMo, which in this section shall sometimes be designated as a water provider, shall upon request of any municipality providing sewer service or public sewer district established under chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized under constitutional authority, which in this section shall sometimes be designated as a sewer provider, contract with such sewer provider to terminate water services to any water user of such water provider for nonpayment of a delinquent sewer bill owed to such sewer provider.

2. Any water provider, or independent contractor acting for a water provider, acting under a contract with a sewer provider under this section shall be exempt from all civil liability whatsoever arising from or related to termination of water services under any such contract.

3. In the event that any water provider and any sewer provider are unable to reach an

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

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

(1) The rules and regulations or ordinances of the sewer provider shall provide that the number of days of delinquency required before water service is discontinued for failure to pay for sewage service shall be equal to the number of days of delinquency required before water service is discontinued for failure to pay for water service under the rules and regulations of the water provider;

(2) The water provider shall not be required to discontinue water service to the sewer user for failure to pay the charges or rental due therefor unless the sewer provider shall first give a written notice to the water provider to do so. Such notice shall include the due date, amount of the delinquent bill, and all penalties and interest thereon. When payment of such amount is received by the water provider the provider shall restore water service to the water and sewer user, provided the water bill of such user owed to the water provider is not delinquent;

(3) The sewer provider shall at all times keep in force a general comprehensive public liability and property damage policy issued by a company authorized to do business in Missouri with policy limits equal to or in excess of those set forth in section 537.610, RSMo, shall include the water provider and any independent contractor who performs such agreement under contract with the water provider thereon as an additional insured, and shall furnish the water provider and such independent contractor a certificate of insurance evidencing such insurance is in effect. If at any time it fails to do so and furnish such certificate of insurance to the water provider and such independent contractor, the water provider and such independent contractor may cease to make water service terminations until such requirement is satisfied.

(4) The agreement shall provide that any loss of revenue incurred by the water provider as a result of discontinuing water service because of the failure of any sewage user to pay the charges or rental therefor shall be paid to the water provider by the sewer provider. Such amounts include, but are not limited to, loss of revenue by the water provider caused by disconnection of water service for a sewer bill delinquency when the water bill is not delinquent;

(5) When a water provider is collecting delinquent amounts for both the water and sewer service, all delinquent payments due to both the water and sewer provider shall be received by the water provider before water service is restored. If for any reason water service is never restored, any amount collected for delinquent accounts due both water and sewer provider shall be divided between the water provider and the sewer provider so that each receives the percentage of the amount owed to it;

(6) The agreement shall provide that in the event the water provider or any independent contractor who performs such agreement under contract with the water provider incurs attorney fees or other costs not covered by insurance as a result of any claim, litigation, or threatened litigation against the water provider or independent contractor which exceeds the limits of insurance coverage provided to the water provider or independent contractor by the sewer provider as stated in this section, the sewer provider shall reimburse such amounts to the water provider or independent contractor;

(7) The agreement shall contain a provision

providing that the expense and cost of the water provider shall be recalculated annually and that the amount due it during the subsequent year shall be increased or decreased according to any change occurring in the costs and expenses; alternatively, upon agreement of the parties to the agreement, the agreement may provide for annual increases or decreases based upon the percentage of increase or decrease in the National Consumers Price Index for All Urban Consumers, unadjusted for seasonal variation, as published by the United States Department of Labor for the most recent date prior to the annual anniversary date of the execution of the agreement;

(8) All expense and cost incurred by the water provider in performing or carrying out the agreement shall be reimbursed to the water provider by the sewer provider. The reimbursement shall be made monthly, bi-monthly, or quarterly. In determining such expense incurred by the water provider, the commissioners shall consider the following items of expense, whether such items will be incurred by the water provider, at the time the agreement is executed or in the future, and if so, the amount of such expense attributable to such agreement at the time such agreement is executed and in the future:

(a) All personnel expense including, but not limited to, wages and salaries, employment taxes, retirement benefits, employment benefits, health insurance, and workers' compensation insurance;

(b) All expense incurred by payments to independent contractors who perform or carry out the agreement under contract with the water provider;

(c) Equipment expenses;

(d) Computer and computer program expense;

(e) Office space expense;

(f) Insurance expense attributable to the agreement between the water provider and the sewer provider, including the additional insurance expense of any independent contractor who performs or carries out the agreement under contract with such water provider;

(g) All other expense attributable to the agreement between the water and sewer provider;

(9) The agreement shall terminate in twenty years unless a different term is agreed upon by the parties. Upon termination, the parties may agree to an extension thereof, not to exceed an additional twenty years;

(10) If ownership of either the sewer system of the sewer provider or the water system of the water provider is transferred to another entity or person, the agreement shall terminate at the time of the transfer, unless the new owner and remaining owner agree otherwise.

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

6. The commissioners shall draft an agreement between the water provider and sewer provider meeting the requirements established in this section. Before drafting such agreement, the water provider and sewer provider shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners, of which each party shall receive fifteen days written notice. The hearing

may be continued from time to time by the commissioners. The commissioners shall consider all evidence and information submitted to them and prepare such agreement as provided under this section. The agreement shall be submitted to the court within ninety days of the selection or appointment of the last commissioner as provided under this section.

7. If the court finds that the agreement is fair, reasonable, and meets the requirements of this section, then the court shall enter its judgment approving the agreement and order it to become effective sixty days after the date of such judgment. If the court finds such agreement is not fair and reasonable or does not meet the requirements of this section, the court shall return it to the commissioners with its reasons for rejecting the agreement. The commissioners shall make the required changes and resubmit the agreement to the court. Upon approval of the agreement by the court, judgment shall be entered approving the agreement and ordering it to become effective sixty days after the date of such judgment. Thereafter, the parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing such judgment.

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

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Days offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 8, Section 393.016, Line 26, by inserting after all of said line the following:

"**9. The provisions of this section shall not apply to any city not within a county or any county with a charter form of government and with more than one million inhabitants.**".

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

SA 5, as amended, was again taken up.

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

Senator Gross offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 132, Section 136.160, Line 2, by inserting immediately after said line the following:

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

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

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

(3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the

contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, **or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo,** in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new

construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

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

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

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

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

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other

provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

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

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

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

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one-hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. Within thirty days after the effective date of this act, the state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following

year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

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

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

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy

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

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

11. 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."; and

Further amend said bill, page 219, section 311.087, line 6, by inserting immediately after said line the following:

"313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

(2) "Applicant", any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) **"Capital, cultural, and special law enforcement purpose expenditures", shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse mounted patrol, school resource or drug awareness resistance education (D.A.R.E)**

officer;

[(4)**] (5)** "Cheat", to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

[(5)**] (6)** "Commission", the Missouri gaming commission;

[(6)**] (7)** "Dock", the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(7)**] (8)** "Excursion gambling boat", a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

(9) "Fiscal year", shall for the purposes of subsections 3 and 4 of section 313.820, mean the fiscal year of a home dock city or county;

[(8)**] (10)** "Floating facility", any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

[(9)**] (11)** "Gambling excursion", the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

[(10)**] (12)** "Gambling game" includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

[(11)**] (13)** "Games of chance", any gambling game in which the player's expected return is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

[(12)**] (14)** "Games of skill", any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em", "double down stud", and any video representation of such games;

[(13)**] (15)** "Gross receipts", the total sums wagered by patrons of licensed gambling games;

[(14)**] (16)** "Holder of occupational license", a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

[(15)**] (17)** "Licensee", any person licensed under sections 313.800 to 313.850;

[(16)**] (18)** "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(19) "Supplier", a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill referred to in subdivision **[**(12)**] (14)** of subsection 1 of this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each

commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

(1) Is it in the best interest of gaming to allow the game; and

(2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.

3. Effective fiscal year 2008 and each fiscal year thereafter, the amount of revenue derived from admission fees paid to a home dock city or county shall not exceed the percentage of gross revenue realized by the home dock city or county attributable to such admission fees for fiscal year 2007. In the case of a new casino, the provisions of this section shall become effective

two years from the opening of such casino and the amount of revenue derived from admission fees paid to a home dock city or county shall not exceed the average percentage of gross revenue realized by the home dock city or county attributable to such admission fees for the first two fiscal years in which such casino opened for business. Effective fiscal year 2010 and each subsequent fiscal year until fiscal year 2015, the percentage of all revenue derived by a home dock city or county from such admission fees used for expenditures other than capital, cultural, and special law enforcement purpose expenditures shall be limited to not more than thirty percent. Effective fiscal year 2015 and each subsequent fiscal, the percentage of all revenue derived by a home dock city or county from such admission fees used for expenditures other than capital, cultural, and special law enforcement purpose expenditures shall be limited to not more than twenty percent.

4. After fiscal year 2007, in any fiscal year in which a home dock city or county collects an amount over the limitation on revenue derived from admission fees provided in subsection 1 of this section, such revenue shall be treated as if it were sales tax revenue within the meaning of section 67.505, RSMo, provided that the home dock city or county shall reduce its total general revenue property tax levy, in accordance with the method provided in subdivision (6) of subsection 3 of section 67.505, RSMo.

5. The provisions of subsections 3 and 4 of this section shall not affect the imposition or collection of a tax under section 313.822.

6. The provisions of subsections 3 and 4 of this section shall not apply to any city of the third classification with more than eight thousand two hundred but fewer than eight thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen thousand seven hundred inhabitants, any county of the third classification without a township form of government and with more than ten thousand two hundred but fewer than ten thousand three hundred inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the fourth classification with more than two thousand nine hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any city of the third classification with more than six thousand seven hundred but fewer than six thousand eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the third classification with more than twenty-five thousand seven hundred but fewer than twenty-five thousand nine hundred inhabitants, any county with a charter form of government and with more than one million inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any special charter city with more than nine hundred fifty

but fewer than one thousand fifty inhabitants, any county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants, any city not within a county, any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, and any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants."; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 239, Section 473.771, Line 27, by inserting immediately after said line the following:

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

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

3. Beginning on January 1, 2006, there shall be one additional associate circuit judge position in Cass County than is provided under section 478.320.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit consisting of the county of St. Charles. These judges shall sit in divisions numbered one, two, three and four. **Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.**

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. **The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.**

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020, RSMo, shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the drug court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320."; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 130,

Section 105.711, Line 11, by inserting immediately after said line the following:

"135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) "Claimant", a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. **A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106 in the year following the year for which the property tax credit is claimed.** The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) "Disabled", the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) "Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built.

"Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) "Income", Missouri adjusted gross income as defined in section 143.121, RSMo, less two thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) "Property taxes accrued", property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year.

137.106. 1. This section may be known and may be cited as "The Missouri Homestead Preservation Act".

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

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Disabled", as such term is defined in section 135.010, RSMo;

(4) "Eligible owner", any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to subsection 4 of this section; in the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the

property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to subsection 4 of this section did not exceed the maximum upper limit; **in the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions 7 and 8 of this subsection;** no individual shall be an eligible owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year, **[**not including the year in which the application was completed,**]** shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person **[**qualifies**] filed a valid claim** for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value**, except where an eligible owner of the property has made such improvements to accommodate a disabled person**;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection **[**8**] 10** of this section**. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005 and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application**;

(7) "Income", federal adjusted gross income**, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit**;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption

credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. **If application is made in 2005,** any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property; and

(4) That any improvements made to the homestead**, not made to accommodate a disabled person,** did not total more than five percent of the prior year appraised value.

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. **If application is made in 2005,** the assessor, upon **[**receiving**]** **request for** an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks **for inclusion on the form**;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. **If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April 1 and September 30 of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:**

(1) To the applicant's age;

(2) That the applicant's prior year income was less than the maximum upper limit;

(3) To the address of the homestead property;

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value; and

(5) The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by September thirtieth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

[7.**] 8. If application is made in 2005,** upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

[8.**] 9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income is verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.**

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

[9.**] 11. [**If, in any given year,**] For applications made in 2005,** the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[10.**]** **12.** After setting the homestead exemption limit **for applications made in 2005**, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation **and assessment fund allocation** to the county collector's funds of each county **or the treasurer ex officio collector's fund in counties with a township form of government** where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector **or the treasurer ex officio collector in counties with a township form of government**, shall be deposited in the county collector's fund of a county **or the treasurer ex officio collector's fund** or may be sent by mail to the collector of a county**, or the treasurer ex officio collector in counties with a township form of government,** not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues **by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government**, so as to exactly offset each homestead exemption credit being issued. **In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.**

[11.**]** **13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.**

14. After setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it

would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex-officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation 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. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[12.**]** **16.** In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to **[**the mailing of the tax bill**]** **January first of the year in which the credit would otherwise be applied**, the credit shall be void and any corresponding moneys, pursuant to subsection 10 of this section, shall lapse to the state to be credited to the general revenue fund. **In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.**

[13.**]** **17.** This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

[14.**]** **18.** In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal."; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 168, Section 140.150, Line 6, by inserting after all of said line the following:

"140.250. 1. Whenever any lands have been or shall hereafter be offered for sale for delinquent taxes, interest, penalty and costs by the collector of the proper county for any two successive years and no person shall have bid therefor a sum equal to the delinquent taxes thereon, interest, penalty and costs provided by law, then such county collector shall at the next regular tax sale of lands for delinquent taxes sell same to the highest bidder, **and such bid may be less than the delinquent taxes thereon, interest, penalty, and costs,** and there shall be a ninety-day period of redemption from such sales as specified in section 140.405.

2. No certificate of purchase shall issue as to such sales, but the purchaser at such sales shall be entitled to the issuance and delivery of a collector's deed upon completion of title search action as specified in section 140.405.

3. If any lands or lots are not sold at such third offering, then the collector, in his discretion, need not again advertise or offer such lands or lots for sale more often than once every five years after the third offering of such lands or lots, and such offering shall toll the operation of any applicable statute of limitations.

4. A purchaser at any sale subsequent to the third offering of any land or lots shall be entitled to the immediate issuance and delivery of a collector's deed and there shall be no period of redemption from such sales; provided, however, before any purchaser at a sale to which this section is applicable shall be entitled to a collector's deed it shall be the duty of the collector to demand, and the purchaser to pay, in addition to his bid, all taxes due and unpaid on such lands or lots that become due and payable on such lands or lots subsequent to the date of the taxes included in such advertisement and sale.

5. In the event the real purchaser at any sale to which this section is applicable shall be the owner of the lands or lots purchased, or shall be obligated to pay the taxes for the nonpayment of which such lands or lots were sold, then no collector's deed shall issue to such purchaser, or to anyone acting for or on behalf of such purchaser, without payment to the collector of such additional amount as will discharge in full all delinquent taxes, penalty, interest and costs."; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 77, Section 82.1025, Line 18, of said page, by inserting immediately after said line the following:

"84.010. **1.** In all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the interests and insuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the boards of police or any officer, or agent or servant thereof or thereunder, except that in any case of emergency imminently imperiling the lives, health or safety of the inhabitants of the city, the mayor may call upon and direct the chief of police of the city to provide such number of officers and patrolmen to meet the emergency as the mayor determines to be necessary and the chief of police shall continue to act under the direction of the mayor until the emergency has ceased, or until the board of police commissioners takes charge of such matter.

2. Notwithstanding any provision of subsection 1 of this section or other law to the contrary, from and after the effective date of this act, any city not within a county may establish by ordinance, and thereafter maintain, a municipal police force pursuant to sections 84.341 and 84.342.

84.341. Any city not within a county may establish by ordinance a municipal police force for the purposes of:

(1) Preserving the public peace, welfare, and order;

(2) Preventing crime and arresting suspected offenders;

(3) Enforcing the laws of the state and ordinances of the city;

(4) Exercising all powers available to a police force under generally applicable state law; and

(5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said cities. No person shall act as a private watchman, private detective, or private policeman in said cities without first having obtained a written license from said police force.

84.342. 1. Any ordinance adopted under section 84.341 shall provide for the employment in the municipal police force, immediately upon the effective date of the establishment of the municipal police force, of all officers and employees of any police force previously established under sections 84.010 to 84.340 at their then current salaries, and for their entitlement to all accrued benefits, including but not limited to, vacation time, sick leave, and health insurance. Any such ordinance shall be consistent with any regulation concerning residence of police officers adopted by the commissioners of the board of police under sections 84.020 and 84.030 prior to the adoption of such ordinance.

2. After the establishment of a municipal police department under section 84.341, the city may provide by ordinance for the number and ranks of police officers, for their compensation and benefits, and for the appointment, promotion, suspension, demotion, or discharge of members of the police department and of the police commissioner.

84.343. Immediately upon the adoption by a city not within a county of an ordinance establishing a municipal police force under section 84.341, the clerk of such city shall file a certified copy of such ordinance with the secretary of state. The provisions of subsection 1 of section 84.010 and sections 84.015, 84.020, 84.030, 84.040, 84.050, 84.060, 84.070, 84.080, 84.090, 84.095, 84.100, 84.110, 84.120, 84.130, 84.140, 84.150, 84.160, 84.170, 84.175, 84.180, 84.190, 84.200, 84.210, 84.220, 84.230, 84.240, 84.250, 84.260, 84.265, 84.330, and 84.340, and the terms of office of the commissioners of the board of police under sections 84.020 and 84.030, shall expire upon the effective date of the establishment of a municipal police force as provided in such ordinance.

84.344. Any police pension system for members of a police force established under sections 84.010 to 84.340 shall continue to be governed by chapter 86, RSMo, as amended."; and

Further amend the title and enacting clause accordingly.

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

Senator Stouffer offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 228, Section 321.190, Line 6, by inserting after all of said line the following:

"321.220. For the purpose of providing fire protection to the property within the district, the

district and, on its behalf, the board shall have the following powers, authority and privileges:

(1) To have perpetual existence;

(2) To have and use a corporate seal;

(3) To sue and be sued, and be a party to suits, actions and proceedings;

(4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

(5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof, shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of

action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies**. The board shall have the power to adopt an ordinance, rule, or regulation allowing the district to charge individuals who reside outside of the district, but who receive emergency services within the boundaries of the district, for the actual and reasonable cost of such services. However, such actual and reasonable costs shall not exceed one hundred dollars for responding to each fire call or alarm and five hundred dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency**;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for health, accident, disability and pension benefits for the salaried members of its organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either or both a contributory or noncontributory plan. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;

(16) To contract with any municipality that is contiguous to a fire protection district for the fire protection district to provide fire protection to the municipality for a fee as hereinafter provided;

(17) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section 70.615, RSMo, for the volunteer members of any organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either a contributory or noncontributory plan, or both. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;

(18) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section 320.300, RSMo, for the purpose of providing the benefits described in subdivision (17) of this section."; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above

amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27, of said page, by inserting after all of said line the following:

"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 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 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. 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 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.

3. Any expenditure made by the authority located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, that is over five thousand dollars, including professional service contracts, must be competitively bid."; and

Further amend said bill, Page 68, Section 67.1850, Line 17 of said page, by inserting after all of said line the following:

"**67.2555. Any expenditure of more than five thousand dollars made by the county executive of a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants must be competitively bid.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 130, Section 115.019, Line 11, of said page, by inserting after all of said line the following:

"**115.348. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America.**"; and

Further amend said bill, Page 255, Section 7, Line 6 of said page, by inserting after all of said line the following:

"**Section 8. No official of any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, who pleads guilty to or is convicted of a federal felony while serving in his or her official capacity, shall receive any county pension.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27, of said page, by inserting after all of said line the following:

"**64.945. No sports authority in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall permit its members to utilize a suite located in any stadium leased by the authority to a professional sports team. The sports authority shall lease the use of such a suite provided to the authority to any person or entity, provided that such person or entity agrees to pay the authority for the value of the suite. If the sports authority violates the provisions of this section, it shall not receive any state funding.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 93, Section 94.860, Line 17, of said page, by inserting after all of said line the following:

"99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the

following terms shall mean:

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

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

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

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

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

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

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

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

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an

excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

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

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

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

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

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

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

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

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

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

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

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

demolition of buildings, and the clearing and grading of land;

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

(e) Initial costs for an economic development area;

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

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

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

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

(j) Payments in lieu of taxes;

(k) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall not include attorneys' fees as a professional service cost when calculating the redevelopment project costs;

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

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

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

(18) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings."; and

Further amend the title and enacting clause accordingly.

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

Senator Klindt offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 243, Section 3, Line 13, of said page by inserting after "officials" the following: "**, unless the current salary of such officials, as of August 28, 2005, is lower than the compensation provided under the salary schedules**".

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

Senator Klindt offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, by inserting immediately after said line the following:

"**350.017. The restrictions set forth in section 350.015 shall not apply to agricultural land that is used by a corporation or limited partnership for the production of swine or**

swine products located in any county of the third classification without a township form of government and with more than two thousand three hundred but fewer than two thousand four hundred inhabitants or any county of the third classification with a township form of government and with more than five thousand two hundred but fewer than five thousand three hundred inhabitants, any county of the third classification with a township form of government and with more than three thousand seven hundred but fewer than three thousand eight hundred inhabitants, any county of the third classification with a township form of government and with more than seven thousand two hundred but fewer than seven thousand three hundred inhabitants, any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants, and any county of the third classification with a township form of government and with more than six thousand eight hundred but fewer than six thousand nine hundred inhabitants that has hog and pig numbers of at least fifty-five thousand as documented by the *2002 Census of Agriculture-County Data* and any subsequent censuses published by the National Agriculture Statistics Service. For counties whose hog and pig numbers are not reported by the *Census of Agriculture*, refer to the total hog and pig numbers, including nursery pig numbers, referenced in Missouri state operating permits issued by the Missouri department of natural resources for such counties."; and

Further amend the title and enacting clause accordingly.

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

Senator Vogel offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 140, Section 137.079, Line 23, of said page, by inserting after all of said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision **or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes**; and

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to

70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reverter of the property within the limitation period for reverters."; and

Further amend the title and enacting clause accordingly.

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

Senator Days offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 140, Section 137.079, Line 23, of said page, by inserting immediately after said line the following:

"**137.102. As used in this section and section 137.104, the following terms shall mean:**

(1) "Homestead", a taxpayer-owned and occupied principle dwelling real or personal property, along with appurtenances thereto and personal property thereon and up to five acres of land surrounding it as it is reasonably necessary for use of the dwelling as a home; provided, however, that the dwelling shall have been owned in fee simple by said taxpayer for a continuous period of not less than five years. If the homestead is located in a multi-unit building, the homestead is the portion of the building actually used as the principle dwelling and its percentage of the value of the common elements and of the value of the property upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of common elements, if any;

(2) "Household", a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling;

(3) "Household income", the federal adjusted gross income as defined in Section 62 of the United States Internal Revenue Code, of all members in the household;

(4) "Individual with a disability", a taxpayer with a physical or mental impairment which substantially limits one or more of a person's major life activities, or who is regarded as having such an impairment, or has a record of having such an impairment;

(5) "Tax-deferred property", the property upon which increases in taxes are deferred under this section;

(6) "Taxes" or "property taxes", ad valorem taxes, assessments, fees, and charges entered on the assessment and tax roll.

137.104. 1. Beginning January 1, 2006, any taxpayer sixty-five years of age or older with a household income of seventy thousand dollars or less, or any individual with a disability receiving Social Security income, may elect to defer any increases in taxes on homestead property beyond the total property taxes paid in the previous year, by obtaining a deferral after January first and on or before October fifteenth of the first year in which deferral is first

claimed.

2. In order to qualify for tax deferral under this section, the following requirements must be met when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

(1) The property must be the homestead of the taxpayer who files the claim for deferral, except for a taxpayer required to be absent from the homestead by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(2) The homestead must be located in a county with a charter form of government and with more than one million inhabitants;

(3) There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule, or regulation applicable to a mortgage, trust deed, land sale contract for which the homestead is security;

(4) The equity interest in the homestead must equal or exceed ten percent of the true value in money of the homestead; and

(5) The taxpayer claiming the deferral must show proof of, and maintain throughout the deferral period, insurance on the homestead in an amount equal to or exceeding the assessed value of the homestead.

3. A taxpayer's claim for deferral under this section shall be filed with the county assessor in writing on a form supplied by the department of revenue and shall:

(1) Describe the homestead;

(2) Recite facts establishing the eligibility for the deferral under the provisions of section 137.102, including facts that establish that the household income of the individual or individuals in the household was, for the calendar year immediately preceding the calendar year in which the claim was filed, seventy thousand dollars or less; or

(3) Have attached any documentary proof required by the director to show that the requirements of this section have been met. A federal income tax return shall be determined as proof of eligibility under this income guideline.

4. The county assessor shall forward each claim filed under this section to the director of revenue, who shall determine if the property is eligible for deferral. If eligibility for deferral of homestead property taxes is established, the director of revenue shall notify the county assessor collector who shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

5. The portion of increased taxes due beyond the total base amount of ad valorem property taxes paid in 2005 shall be deferred, and the county assessor or collector shall maintain accounts for each deferred property and shall accrue interest only on the amount of taxes deferred. The interest rate shall be two and one-half percent annually. The director of revenue shall have a lien on the homestead property in the amount of the deferred taxes and interest due.

6. The lien created under this section shall have the same priority as other real property tax liens except that the lien of mortgages, trust deeds, or security interests which are recorded or noted on a certificate of title prior in time to the attachment of the lien for deferred taxes shall be prior to the liens for deferred taxes.

7. Deferred ad valorem taxes and accrued interest shall become due and payable when:

(1) The taxpayer who claimed deferment of collection of property taxes on the homestead dies, or if there was more than one claimant, the survivor of the taxpayer who originally claimed the deferment of collection of property taxes under this section dies;

(2) The property with respect to which deferment of collection of taxes is claimed is sold or otherwise transferred;

(3) The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(4) The tax-deferred property is a manufactured structure or floating home which is moved out of the state.

8. Whenever any of the circumstances listed in this subsection occurs, the deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year, and the amounts of deferred property taxes, including accrued interest, for all years shall be due and payable on the date of closing or the date of probate to the director of revenue. If the homestead property is removed from the state, the amount of deferred taxes shall be due and payable five days before the date of removal of the property from the state. All payments of deferred taxes shall be made to the county collector and shall be distributed in accordance with the then-current distribution plan.

9. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations that they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulation, as amended.

10. The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly."; and

Further amend the title and enacting clause accordingly.

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

Senator Barnitz offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 97, Section 99.1082, Line 24, by striking the word "one" and inserting in lieu thereof the words "**ten thousand**"; and

Further amend said bill, said section, said page, line 25, by inserting immediately after said line, the following:

"**or**

(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine hundred and ninety-nine inhabitants;".

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

Senator Crowell offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 16, Section 50.784, Line 28, of said page, by inserting after all of said line the following:

"50.1030. 1. The general administration and the responsibility for the proper operation of the fund and the system and the investment of the funds of the system are vested in a board of directors of eleven persons. Nine directors shall be elected by a secret ballot vote of the county employee members of this state. Two directors, who have no beneficiary interest in the system, shall be appointed by the governor with the advice and consent of the senate. No more than one director at any one time shall be employed by the same elected county office. Directors shall be chosen for terms of four years from the first day of January next following their election. It shall be the responsibility of the board to establish procedures for the conduct of future elections of directors and such procedures shall be approved by a majority vote by secret ballot by members of the system. The board shall have all powers and duties

that are necessary and proper to enable it, its officers, employees and agents to fully and effectively carry out all the purposes of sections 50.1000 to 50.1300.

2. The board of directors shall elect one of their number as chairman and one of their number as vice chairman and may employ an administrator who shall serve as secretary to the board. The board shall hold regular meetings at least once each quarter. Board meetings shall be held in Jefferson City. Other meetings may be called as necessary by the chairman. Notice of such meetings shall be given in accordance with chapter 610, RSMo.

3. The board of directors shall retain an actuary as technical advisor to the board.

4. The board of directors shall retain investment counsel to be an investment advisor to the board.

5. The state auditor shall provide for biennial audits of the Missouri county employees' retirement system and the operations of the board, to be paid for out of the funds of the system.

6. The board of directors shall serve without compensation for their services, but each director shall be paid out of the funds of the system for any actual and necessary expenses incurred in the performance of duties authorized by the board.

7. The board of directors shall be allowed administrative costs for the operation of the system to be paid out of the funds of the system.

8. The board shall keep a record of its proceedings which shall be open to public inspection. It shall annually prepare a report showing the financial condition of the system. The report shall contain, but not be limited to, an auditor's opinion, financial statements prepared in accordance with generally accepted accounting principles, an actuary's certification along with actuarial assumptions and financial solvency tests.

9. The board shall conduct an annual review, to determine if, among other things, the following actions are actuarially feasible:

(1) An adjustment to the formula described in section 50.1060, subject to the limitations of subsection 4 of section 50.1060;

(2) An adjustment in the flat dollar pension benefit credit described in subsection 1 of section 50.1060;

(3) The cost-of-living increase as described in section 50.1070;

(4) An adjustment in the matching contribution described in section 50.1230;

(5) An adjustment in the twenty-five year service cap on creditable service; **[**or**]**

(6) An adjustment to the target replacement ratio**; or**

(7) An additional benefit or enhancement which will improve the quality of life of future retirees.

Based upon the findings of the actuarial review, the board may **[**recommend to the general assembly an actual change to implement**]** **vote to change** none, one, or more than one of the above **[**actions**]** **items, subject to the actuarial guidelines outlined in section 50.1031**.

50.1031. 1. No adjustments may be made until the fund has achieved a funded ratio of assets to the actuarial accrued liability equaling at least eighty percent. No benefit adjustment shall be adopted which causes the funded ratio to fall more than five percent.

2. Adjustments may be made no more frequently than once every twelve months.

3. Any adjustment or combination of adjustments within a twelve-month period may increase the actuarially determined, normally required annual contribution as a percentage of payroll no more than one percent.

4. Adjustments, other than those in subdivision (3) of subsection 9 of section 50.1030, will apply only with respect to active employees on the effective date of any adjustment."; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 228, Section 321.603, Line 17, by inserting after all of said line the following:

"**321.696. Notwithstanding any provision of this chapter, chapter 320, RSMo, or chapter 190, RSMo, effective August 28, 2005, pension benefit programs shall not be established by any district for volunteer members, district board of directors, or salaried employees except under the provisions of chapter 70, RSMo.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 17, Section 52.317, Line 7, of said page, by inserting after "52.317." the following: "**1.**"; and further amend lines 9 and 10 of said page, by striking the following: "excluding capital improvements and equipment purchases"; and

Further amend said bill and section, Page 18, Line 1, by inserting after all of said line the following:

"**2. For one-time expenditures directly attributable to any department, office, institution, commission, or county court, the county commission may budget such expenses in a common fund or account so that any such expenditures separately budgeted does not appear in any specific department, county office, institution, commission, or court budget.**"; and

Further amend said bill, Page 156, Section 137.720, Lines 19-21 of said page, by striking said lines and inserting in lieu thereof the following: "revenue to the assessment fund**; provided however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average**, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, **the** county governing body**,** and".

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

Senator Nodler offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 187, Section 210.861, Line 7, by inserting after all of said line the following:

"**210.862. 1. A private contractor, as defined in subdivision 4 of section 210.110, with the children's division that receives state moneys from the division for providing services to children and their families, or a public or not-for-profit agency licensed or certified to provide qualified services to children and their families under a contract with a community children's service board, as provided in section 210.861, shall have immunity from civil liability to the same extent that the children's division has immunity from civil liability when the division directly provides such services.**

2. The provisions of this section shall not apply if a private contractor or a public or not-for-profit agency, as described in subsection 1 of this section, purposely, knowingly, or willfully violates a stated or written policy of the

division, any rule promulgated by the division, or any state law that relates to child abuse and neglect."; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Dougherty raised the point of order that **SA 24** is out of order as it goes beyond the scope and title of the bill.

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

Senator Purgason offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27, of said page by inserting after all of said line the following:

"65.030. 1. Upon petition of at least **[**one hundred**]** **ten percent of the** voters **at the last general election** of any county of the third or fourth classes praying therefor, which said petition shall be filed in the office of the clerk of the county commission, the county commission of such county shall, by order of record, submit the question of the adoption of township organization form of county government to a vote of the voters of the county. **The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition.** If such petition shall be filed sixty days or more prior to a general election, the proposition shall be submitted at said general election; if filed less than sixty days before such election, then the proposition shall be submitted at the general election next succeeding said general election. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the adoption of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published.

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

Shall the township organization form of county government be adopted in ..... county?

3. If a majority of the voters voting upon the question shall vote for the adoption thereof the township organization form of county government shall be declared to have been adopted; provided, that counties adopting township organization shall be subject to and governed by the provisions of the law relating to township organization on and after the last Tuesday in March next succeeding the election at which such township organization was adopted."; and

Further amend said bill, Page 29, Section 65.110, Line 23, by inserting after all of said line the following:

"65.150. No person shall be eligible to any township office unless he shall be a voter and a resident of such township. **Such person serving as a township officer must remain a resident of the township for the duration of his or her term.**"; and

Further amend said bill, Page 30, Section 65.160, Line 2, by inserting after all of said line the following:

"65.180. Any person chosen or appointed to fill any township office, who shall refuse to serve, shall forfeit to the township the sum of **[**five**]** **one hundred** dollars for the use of the contingent fund, and said forfeiture, if not otherwise paid, shall be collected by any associate circuit judge of the county, as may be provided by law.

65.183. Any person serving as a township officer may be removed from the township board by a majority vote of the other board members for failing to attend two or more consecutive meetings of the board.

65.190. If any township officer who is required by law to take the oath of office shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to the township the sum of **[**twenty**]** **one hundred** dollars, to be collected and applied as in section 65.180. Township officers shall hold their offices for two years, and until their successors are chosen or appointed and qualified.

65.200. Whenever any township shall fail to elect the proper number of officers to which such township may be entitled, or when any person elected or appointed shall fail to qualify, or when any vacancy shall happen in any township office from any cause, it shall be lawful for the township board to **submit recommendations to the county commission to** fill such vacancy by appointment, and the person so appointed shall hold the office and discharge all the duties of the same during such unexpired term, and until his successor is elected or appointed and qualified, and shall be subject to the same penalties as if he had been duly elected; provided, that any vacancy in **an office of** the township **[**board**]** shall be filled by appointment of the county commission.

65.220. The township board may, at any legally convened meeting, for a good and sufficient cause shown to them, accept the **written, dated, and signed** resignation of any township officer; provided, that in all cases where the action of the township board is required, as provided in section 65.210, a majority of the members concurring therein, shall be taken as the action of the board.

65.230. The following township officers shall be entitled to compensation at the following rates for each day necessarily devoted by them to the services of the township in discharging the duties of their respective offices:

(1) The township clerk, as clerk, the township trustee, as trustee, members of the township board, shall each receive **[**for their services six dollars per day**]** **a maximum amount of fifty dollars per day** for the first meeting each month and **[**two and one-half**]** **a maximum amount of twenty** dollars for each meeting thereafter during the month**[**, and may receive up to twenty-five dollars per day for the first meeting each month and up to ten dollars for each meeting thereafter during the month. The township clerk shall receive fees for the following, and not per diem: for serving notices of election or appointment upon township officers, as required by law, twenty-five cents each; for filing any instrument of writing, ten cents; for recording any order or instrument of writing, authorized by law, ten cents for every hundred words and figures; for copying and certifying any record in his office, ten cents for every hundred words and figures, to be paid by the person applying for the same**]**; **[**and**]**

(2) The township trustee as ex officio treasurer shall receive a compensation of two percent for receiving and disbursing all moneys coming into his hands **for the first fifty thousand dollars received** as ex officio treasurer when the same shall not exceed the sum of one thousand dollars and one percent of all sums over this amount**; and**

(3) Township officials may receive an hourly wage set by the township board for labor performed for the benefit of the township. Such wage shall not exceed the local prevailing wage limits and shall not include pay received for attending monthly meetings or pay received by the treasurer for performing duties required of his or her office.

65.300. The township board of directors shall meet **[**at the office of the township clerk**]** **on a quarterly basis, or more frequently as deemed necessary by the board,** for the purpose of transacting **[**such**]** **township** business **[**as may be by them deemed necessary, triannually, on the third Wednesday after the first Tuesday in April, the first Tuesday after the first Monday in July, and on the third Monday of November of each year, and at such other times as the interest of the township may require**]**. **The meetings of the township board shall be held at a location within the township that is accessible to the public.**"; and

Further amend said bill, Page 33, Section 65.600, Line 4, by inserting after all of said line the

following:

"65.610. 1. Upon the petition of at least **[**one hundred qualified electors**] ten percent of voters at the last general election** of any county having heretofore adopted township organization, praying therefor, the county commission shall submit the question of the abolition of township organization to the voters of the county at a general or special election. **The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition.** If the petition is filed six months or more prior to a general election, the proposition shall be submitted at a special election to be ordered by the county commission within sixty days after the petition is filed; if the petition is filed less than six months before a general election, then the proposition shall be submitted at the general election next succeeding the filing of the petition. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the abolition of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published at least once each week for three successive weeks, the last insertion to be not more than one week prior to the election, in some newspaper published in the county where the election is to be held, if there is a newspaper published in the county and, if not, by posting printed or written handbills in at least two public places in each election precinct in the county at least twenty-one days prior to the date of election. The clerk of the county commission shall provide the ballot which shall be printed and in substantially the following form:

OFFICIAL BALLOT

(Check the one for which you wish to vote)

Shall township organization form of county government be abolished in .... County? YES .... NO ....

If a majority of the electors voting upon the proposition shall vote for the abolition thereof the township organization form of county government shall be declared to have been abolished; and township organization shall cease in said county; and except as provided in section 65.620 all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

2. No election or any proposal for either the adoption of township organization or for the abolition of township organization in any county shall be held within two years after an election is held under this section."; and

Further amend said bill, Page 189, Section 217.905, Line 13, by inserting after all of said line the following:

"231.230. Whenever it shall be necessary in any township to build a bridge, the cost of which shall exceed **[**one hundred**] forty-five hundred** dollars, the township board of directors shall make out and cause to be presented to the county commission a certified statement of the amount of money necessary for the construction thereof, and, if deemed proper, the said county commission shall cause the bridge to be built by contract as provided by law."; and

Further amend the title and enacting clause accordingly.

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

Senator Engler offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 152, Section 137.122, Line 18, by adding at the end of said line, the following:

"6. The provisions of this section are not intended to modify the definition of "tangible personal property" as defined in Section 137.010, RSMo."

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

Senator Crowell assumed the Chair.

Senator Griesheimer offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 68, Section 67.1850, Line 6, of said page by inserting after the word "software" the following: "**, and may also establish costs for the use of computer programs and computer software that provide access to information aggregated with geographic information system information**".

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

Senator Graham offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 68, Section 71.208, Line 17, of said page by inserting after all of said line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term "contiguous and compact" does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a verified petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the

term "common-interest community" shall mean a condominium as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or a planned community.

(a) A "common-interest community" shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A "cooperative" shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A "planned community" a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least **[**two**]** **eight** percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended."; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 11, Section 50.343, Lines 3-10, of said page, by striking all of said lines; and

Further amend said bill, Page 169, Section 190.010, Lines 11 to 23 of said page, by striking said lines and inserting in lieu thereof the following: "implied. **The territory contained within the corporate limits of a proposed ambulance district shall not be required to be contiguous. Any territory which is non-contiguous within a proposed district must be located so that least a portion of the territory lies within five miles of any other portion of the territory contained within the proposed ambulance district. Notwithstanding the provisions of subsection 2 of section 190.015,** an ambulance district may include municipalities or territory not in municipalities or both or territory in one or more counties; except, that the provisions of sections 190.001 to 190.090 are not effective in

counties having a population of more than four hundred thousand inhabitants at the time the ambulance district is formed. The territory contained within the corporate limits of an existing ambulance district shall not be incorporated in another ambulance district. Ambulance districts"; and

Further amend said bill, Page 200, Section 245.205, Line 3 of said page, by inserting after all of said line the following:

"246.005. **1.** Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, which has, prior to April 8, 1994, been granted an extension of the time of corporate existence by the circuit court having jurisdiction, shall be deemed to have fully complied with all provisions of law relating to such extensions, including the time within which application for the extension must be made, unless, for good cause shown, the circuit court shall set aside such extension within ninety days after April 8, 1994.

2. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, shall have five years after the lapse of the corporate charter in which to reinstate and extend the time of the corporate existence by the circuit court having jurisdiction, and such circuit court judgment entry and order shall be deemed to have fully complied with all provisions of law relating to such extensions."; and

Further amend said bill, page 260, Section B, line 28 of said line, by inserting after "infrastructure" the following: "and because immediate action is necessary to ensure continuation of services in a drainage or levee district after corporate dissolution, the repeal and reenactment of section 246.005 and"; and further line 32 of said page, by inserting after "constitution," the following: "the repeal and reenactment of section 246.005"; and

Further amend the title and enacting clause accordingly.

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

Senator Mayer offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 118, Section 105.711, Line 18, by inserting an opening bracket "[" before the word "or";

and further amend said line by inserting a closing bracket "]" after the word "jails"; and

further amend said line by inserting the following after the word "basis":

"**, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis**"; and further amend said section, page 119, line 15 by striking the opening bracket "["; and further amend line 21 by striking the closing bracket "]"; and

further amend page 120, line 24 by striking the opening bracket "["; and further amend page 121, line 4 by striking the closing bracket "]"; and further amend line 22 by striking the opening bracket "["; and

further amend page 122, line 2 by striking the closing bracket "]"; and further amend line 3 by striking the opening and closing brackets and all the underlined words; and further amend line 5 by striking the opening and closing brackets and all the underlined words; and further amend line 11 by striking the opening bracket "["; and further amend line 19 by striking the closing bracket "]" and all the underlined words; and further amend lines 20-22 by striking all of said lines from the bill; and

further amend page 125, lines 7-20 by striking all of the underlined words from the bill; and further amend page 126, lines 9-14 by striking all of the underlined words from the bill.

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

Senator Mayer offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 19, Section 54.280, Line 23, by striking the word "four" and inserting in lieu thereof the word "**five**"; and

further amend said section, said page, line 26, by striking the word "four" and inserting in lieu thereof the word "**five**"; and

further amend said section, said page, line 27, by striking the word "seven" and inserting in lieu thereof the word "**nine**";and

further amend said line by striking the word "three-fourths" and inserting in lieu thereof the word "**one-half**";and

further amend said section, page 20, line 2, by striking the word "seven" and inserting in lieu thereof the word "**nine**"; and

further amend said section, said page, line 3, by striking the word "ten" and inserting in lieu thereof the word "**thirteen**"; and

further amend said line, by striking the words "and one-half"; and

further amend said section, said page, lines 5-8 by striking all of said lines; and

further renumber the remaining subdivision accordingly; and

further amend said page, line 11, by striking the word "two" and inserting in lieu there of the words "**one and one-half**".

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

Senator Shields assumed the Chair.

Senator Dolan offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 240, Section 488.2220, Line 16, by inserting immediately after said line the following:

"537.600. 1. Such sovereign or governmental tort immunity as existed at common law in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by statutes in effect prior to that date, shall remain in full force and effect; except that, the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment;

(2) Injuries caused by the condition of a public entity's property if the plaintiff establishes that the property was in dangerous condition at the time of the injury, that the injury directly resulted from the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred, and that either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges that he was damaged by the negligent, defective or dangerous design of a highway or road, which was designed and constructed prior to September 12, 1977, the public entity shall be entitled to a defense which shall be a complete bar to recovery whenever the public entity can prove by a preponderance of the evidence that the alleged negligent, defective, or dangerous design reasonably complied with highway and road design standards generally

accepted at the time the road or highway was designed and constructed.

2. The express waiver of sovereign immunity in the instances specified in subdivisions (1) and (2) of subsection 1 of this section are absolute waivers of sovereign immunity in all cases within such situations whether or not the public entity was functioning in a governmental or proprietary capacity and whether or not the public entity is covered by a liability insurance for tort.

3. The term "public entity" as used in this section shall include any multi-state compact agency created by a compact formed between this state and any other state which has been approved by the Congress of the United States. **[**Sovereign immunity, if any, is waived for the proprietary functions of such multi-state compact agencies as of the date that the Congress of the United States approved any such multi-state compact.

4. Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning liability in tort for public entities, the general assembly declares that prior to September 12, 1977, there was no sovereign or governmental immunity for the proprietary functions of multistate compact agencies operating pursuant to the provisions of sections 70.370 to 70.440, RSMo, and 238.030 to 238.110, RSMo, including functions such as the operation of motor vehicles and the maintenance of property, involved in the operation of a public transit or public transportation system, and that policy is hereby reaffirmed and declared to remain in effect.

5. Any court decision dated subsequent to August 13, 1978, holding to the contrary of subsection 4 of this section erroneously interprets the law and the public policy of this state, and any claimant alleging tort liability under such circumstances for an occurrence within five years prior to February 17, 1988, shall in addition to the time allowed by the applicable statutes of limitation or limitation of appeal, have up to one year after July 14, 1989, to file or refile an action against such public entity and may recover damages imposed by the common law of this state as for any other person alleged to have caused similar damages under similar circumstances.**]**"; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 33, Section 67.055, Line 9, by inserting after all of said line the following:

"67.459. The portion of the cost of any improvement to be assessed against the real property in a neighborhood improvement district shall be apportioned against such property in accordance with the benefits accruing thereto by reasons of such improvement. The cost may be assessed equally per front foot or per square foot against property within the district or by any other reasonable assessment plan determined by the governing body of the city or county which results in imposing substantially equal burdens or share of the cost upon property similarly benefited **and which may include, in the case of condominium or equitable owner association ownership, a determination that all units within the condominium or equitable owner association are equally benefited**. The governing body of the city or county may from time to time determine and establish by ordinance or resolution reasonable general classifications and formulae for the methods of assessing the benefits."; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered **SA 34**:

SENATE AMENDMENT NO. 34

Amend Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House Bill No. 58, Page 81, Section 94.270, Line 8, of said page inserting after all of said line the following:

"**9. The provisions of subsections 4, 5, 6, and 7 of this section shall become effective on January 1, 2006.**

10. Notwithstanding any other provision of law to the contrary, any city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated within the city, which tax shall be not more than five percent of the charges paid for such sleeping rooms, in lieu of any license tax currently imposed on hotels and public boarding houses under this section. The governing body of such city shall expend all revenues derived from the tax imposed under this section to promote tourism and to defray the operational and maintenance expenses of any recreational or sporting facilities constructed in the city prior to August 28, 2005. The mayor, with the consent of the governing body, shall appoint an advisory board to assist the city in ensuring that the revenues derived from the tax imposed under this section are allocated and expended in a manner consistent with the provisions of this section. The advisory board shall consist of two members representing the hotel and motel industry, two members representing the local, general business community, and two members of the governing body."; and

Further amend said bill, Page 55, Section 94.700, Line 40, by inserting after all of said line the following:

"94.834. 1. The **governing body of any city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants, the** governing body of any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants, the governing body of any city of the fourth classification with more than two thousand three hundred but less than two thousand four hundred inhabitants and located in any county of the fourth classification with more than thirty-two thousand nine hundred but less than thirty-three thousand inhabitants, and the governing body of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent for the sole purpose of promoting tourism?

[ ] YES [ ] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter

following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend the title and enacting clause accordingly.

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

Senator Koster assumed the Chair.

Senator Loudon offered **SA 35**:

SENATE AMENDMENT NO. 35

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 255, Section 7, Line 6, of said page by inserting after all of said line the following:

"**Section 8. If a group within any county with a charter form of government and with more than one million inhabitants desires to form a subdistrict within the transportation development district, such subdistrict may capture revenues derived from the transportation sales tax imposed under section 94.660, RSMo. In order to create a subdistrict, a petition to form such subdistrict must be approved at the discretion of the Missouri department of transportation highway transportation commission.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 36**:

SENATE AMENDMENT NO. 36

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 126, Section 105.711, Line 27, of said page, by inserting immediately after said line the following:

"115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) "Ballot", the ballot card, paper ballot or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

(3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;

(4) "Ballot label", the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) "Counting location", a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) "County", any one of the several counties of this state or the City of St. Louis;

(7) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

(8) "District", an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;

(9) "Electronic voting system", a system of

casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, and includes computerized voting systems;

(10) "Established political party" for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office, more than two percent of the entire vote cast for the office. "Established political party" for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(11) "Federal office", the office of presidential elector, United States senator, or representative in Congress;

(12) "Independent", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

(13) "Major political party", the political party whose candidates received the highest or second highest number of votes at the last general election;

(14) "Marking device", either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device which will enable the votes to be counted by automatic tabulating equipment;

(15) "Municipal" or "municipality", a city, village, or incorporated town of this state;

(16) "New party", any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(17) "Nonpartisan", a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(18) "Political party", any established political party and any new party;

(19) "Political subdivision", a county, city, town, village, or township of a township organization county;

(20) "Polling place", the voting place designated for all voters residing in one or more precincts for any election;

(21) "Precincts", the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(22) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the reserve forces or the national guard or the office of notary public **or city attorney in cities of the third classification or cities of the fourth classification**;

(23) "Question", any measure on the ballot which can be voted "YES" or "NO";

(24) "Relative within the first degree by consanguinity or affinity", a spouse, parent, or child of a person;

(25) "Relative within the second degree by consanguinity or affinity", a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

(26) "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

(27) "Special election", elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; and

(28) "Voting district", the one or more precincts within which all voters vote at a single polling place for any election."; and

Further amend the title and enacting clause accordingly.

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

Senator Wheeler offered **SA 37**:

SENATE AMENDMENT NO. 37

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 200, Section 245.205, Line 3, by inserting immediately after said line the following:

"247.031. 1. Territory included in a district that is not being served by such district **or to which the district has not made service available,** may be detached from such district provided that there are no outstanding **[**general obligation or special obligation bonds**] loans** and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water. If any such **[**bonds**] loans** or debt is outstanding, and the written consent of the holders of such **[**bonds**] loans** or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such **[**bonds**] loans** or debt**[**, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached**]**. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated.

2. A political subdivision, municipal corporation, or a private entity shall not build, or otherwise construct, infrastructure or other facilities within the territory served by the district for the purpose of providing water service to such territory until such time as a court issues an order granting the detachment of such territory from the district and all appeals have been exhausted. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

[2.**] 3.** Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF

..... COUNTY, MISSOURI

NOTICE OF THE FILING OF A PETITION FOR

TERRITORIAL DETACHMENT FROM

PUBLIC WATER SUPPLY DISTRICT NO. ....

OF ..... COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district,

as provided by law:

(Describe tracts of land).

2. That a hearing on said petition will be held before this court on the ..... day of ....., 20 ..., at ...., ...m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....

Clerk of the Circuit Court of

..... County, Missouri

[3.**]** **4.** The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

[4.**]** **5.** Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

[5.**]** **6.** If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

[6.**]** **7.** A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

8. The provisions of this section shall apply regardless of whether the party filing the petition is an individual, municipal corporation, or a political subdivision."; and

Further amend the title and enacting clause accordingly.

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

Senator Mayer offered **SA 38**:

SENATE AMENDMENT NO. 38

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 200, Section 247.060, Line 21, of said page by inserting after "2." the following: "**After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.**

3.".

Senator Mayer moved that the above

amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 39**:

SENATE AMENDMENT NO. 39

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, of said page by inserting immediately after all of said line the following:

"**441.1009. No person shall rent or offer for rent or sale any mobile home that does not conform to the sanitation, housing, and health codes of the state or of the county or municipality in which the mobile home is located. No person shall rent or offer for rent any lot in a mobile home park that does not conform to subdivision ordinances of the county or municipality in which the mobile home park is located.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 58**, as amended, be adopted, which motion prevailed.

Senator Griesheimer was recognized to close on 3rd reading.

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 58**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 824**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 738**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 525**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 700**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 539**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 617**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 298**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 299**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 302**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 306**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 307**, entitled:

An Act to repeal sections 105.454 and 105.458, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts by certain public officials and employees.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 318**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 347**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 394**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 407**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 453**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 490**, entitled:

An Act to repeal section 67.1350, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities and towns.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 501**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 507**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **SB 516**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 15**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2005 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for capital improvement projects involving maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 19**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 367**.

With House Amendments 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 367, Page 3, Section 105.935, Line 48, by inserting after all of said line the following:

"7. This section is applicable to overtime earned under the Fair Labor Standards Act. This section is applicable to employees who are employed in nonexempt positions providing direct client care or custody in facilities operating on a twenty-four hour seven day a week basis in the department of corrections, the department of mental health, the division of youth services of the department of social services, and the veterans commission of the department of public safety.

Section B. Section A of this act shall become effective on January 1, 2006."; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 367, Page 1, Section A, Line 2, by inserting after all of said line the following:

"105.262. 1. As a condition of continued employment with the state of Missouri, all persons employed full time, part time, or on a temporary or contracted basis by the executive, legislative, or

judicial branch shall file all state income tax returns and pay all state income taxes owed.

2. Each chief administrative officer or their designee of each division of each branch of state government shall at least one time each year check the status of every employee within the division against a database developed by the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The officer or designee shall notify any employee if the database shows any state income tax return has not been filed or taxes are owed under that employee's name or taxpayer number. Upon notification, the employee will have forty-five days to satisfy the liability or provide the officer or designee with a copy of a payment plan approved by the director of revenue. **To satisfy this section, any approved payment plan shall be in the form of a payroll deduction.** Failure to satisfy the liability or provide a copy of the **approved payroll deduction** payment plan within the forty-five days will result in immediate dismissal of the employee from employment by the state. **Nothing in this subsection shall prohibit the director of revenue from approving modifications to an approved payroll deduction payment plan for good cause; however, if an employee voluntarily suspends or terminates an approved payroll deduction without the agreement of the director of revenue before the tax liability is satisfied, then the employee shall be in violation of this section and shall be immediately dismissed as an employee of this state.**

3. The chief administrative officer of each division of the general assembly or their designee shall at least one time each year provide the name and Social Security number of every member of the general assembly to the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any member of the general assembly if the database shows any state income tax return has not been filed or taxes are owed under that member's name or taxpayer number. Upon notification, the member will have forty-five days to satisfy the liability or provide the director with a copy of a payment plan approved by the director of revenue. **To satisfy this section, any approved payment plan shall be in the form of a payroll deduction.** Failure to satisfy the liability or provide a copy of the **approved payroll deduction** payment plan within the forty-five days will result in the member's name being submitted to the appropriate ethics committee for disciplinary action deemed appropriate by the committee. **Nothing in this subsection shall prohibit the director of revenue from approving modifications to an approved payroll deduction payment plan for good cause; however, if a member voluntarily suspends or terminates an approved payroll deduction without the agreement of the director of revenue before the tax liability is satisfied, then the member shall be in violation of this section and the member's name shall be immediately submitted to the appropriate ethics committee for disciplinary action deemed appropriate by the committee.**

4. The chief administrative officer of each division of the judicial branch or their designee shall at least one time each year provide the name and Social Security number of every elected or appointed member of the judicial branch to the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any member if the database shows any state income tax return has not been filed or taxes are owed under that member's name or taxpayer number. Upon notification, the member will have forty-five days to satisfy the liability or provide the director with a copy of a payment plan approved by the director of revenue. **To satisfy this section, any approved payment plan shall be in the form of a payroll deduction.** Failure to satisfy the liability or provide a copy of the **approved payroll deduction** payment plan within the forty-five days will result in the member's name being submitted to the appropriate ethics body for disciplinary action deemed appropriate by that body. **Nothing in this subsection shall prohibit the director of revenue from approving modifications to an**

approved payroll deduction payment plan for good cause; however, if a member voluntarily suspends or terminates an approved payroll deduction without the agreement of the director of revenue before the tax liability is satisfied, then the member shall be in violation of this section and the member's name shall be immediately submitted to the appropriate ethics body for disciplinary action deemed appropriate by that body.

5. The director of revenue shall at least one time each year check the status of every statewide elected official against a database developed by the director to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any elected official if the database shows any state income tax return has not been filed or taxes are owed under that official's name or taxpayer number. Upon notification, the official will have forty-five days to satisfy the liability or agree to a payment plan approved by the director of revenue. **To satisfy this section, any approved payment plan shall be in the form of a payroll deduction.** Failure to satisfy the liability or agree to the **approved payroll deduction** payment plan within the forty-five days will result in the official's name being submitted to the state ethics commission. **Nothing in this subsection shall prohibit the director of revenue from approving modifications to an approved payroll deduction payment plan for good cause; however, if an official voluntarily suspends or terminates an approved payroll deduction without the agreement of the director of revenue before the tax liability is satisfied, then the official shall be in violation of this section and the official's name shall be immediately submitted to the state ethics commission.**"; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 390**.

With House Amendments 1 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 390, Page 4, Section 301.567, Line 88, by deleting the words "or print" following the word broadcast.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 390, Section 301.567, Page 4, Line 95, by inserting after all of said line, the following:

"301.700. **Notwithstanding the provisions of section 144.010, RSMo, and any other law, new and used** all-terrain vehicles **purchased from dealers or private individuals** shall be treated in the same manner as motor vehicles, pursuant to this chapter, for the purposes of transfer, titleing, perfection of liens and encumbrances, and the collection of all taxes, fees and other charges**, regardless of the purchase price**. Funds collected by the department of revenue pursuant to sections 301.700 to 301.714 shall be deposited by the director in the state treasury to the credit of the general revenue fund."; and

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

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 3, 2005

TO THE SECRETARY OF THE SENATE
93RD GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate

Bill No. 69 entitled:

AN ACT

To authorize the conveyance of property owned by the state in Jackson County to the City of Kansas City, with an emergency clause.

On May 3, 2005, I approved said Senate Committee Substitute for Senate Bill No. 69.

Respectfully submitted,
MATT BLUNT
Governor

RESOLUTIONS

Senator Wilson offered Senate Resolution No. 1257, regarding KJLU radio, Jefferson City, which was adopted.

Senator Dolan offered Senate Resolution No. 1258, regarding Kathy Lambert, Saint Charles, which was adopted.

Senator Graham offered Senate Resolution No. 1259, regarding William James Williamson, which was adopted.

Senator Clemens offered Senate Resolution No. 1260, regarding Mary Ruth Brooks, Marshfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 1261, regarding Joseph Charles Wright, Oakville, which was adopted.

Senator Engler offered Senate Resolution No. 1262, regarding Willis M. Gunder, Farmington, which was adopted.

Senator Gross offered Senate Resolution No. 1263, regarding Phil White, St. Charles, which was adopted.

Senator Kennedy offered Senate Resolution No. 1264, regarding Matthew Garrett Brielmaier, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1265, regarding Gregory Michael Winkeler, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1266, regarding Peter David Eppestine, Mehlville, which was adopted.

Senator Klindt offered Senate Resolution No. 1267, regarding the One Hundredth Birthday of J.W. Elliott, Cowgill, which was adopted.

Senator Klindt offered Senate Resolution No. 1268, regarding Brian Kolodziejski, Trenton, which was adopted.

Senator Bray offered Senate Resolution No. 1269, regarding Matthew Melly, Clayton, which was adopted.

Senator Barnitz offered Senate Resolution No. 1270, regarding the Fiftieth Wedding Anniversary of Gilbert and Gerry Sellers, Davisville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Brandy Branson, Tiffany Zimmel, Chris Johnson and fifty-five fourth grade students from Fayette R-III Elementary School.

Senator Loudon introduced to the Senate, the Physicians of the Day, Dr. David W. Strege, M.D. and Dr. Michael DeRosa, M.D., St. Louis.

Senator Mayer introduced to the Senate, Ricky, Le Ann and Justin Kelley, Dexter.

Senator Vogel introduced to the Senate, a group of sixth grade girls from California.

Senator Bray introduced to the Senate, Joan Patton and eight eighth grade students from St. Mary Magdalen School, Brentwood.

Senator Purgason introduced to the Senate, Gregg Boyer, Roach.

Senator Alter introduced to the Senate, fourth grade students from Antonia Elementary School, Imperial; and Patrick May, Samantha Ryan and Ashley Tuepker were made honorary pages.

Senator Griesheimer introduced to the Senate, Jim, Mark, Joyce, Natalie, Tami, Chad and Mark Pollock, Sr.; Laverne and Jay Nowak and Harvey Jacquin, Washington.

Senator Gibbons introduced to the Senate, Laura Nowotny and her family, Manchester.

Senator Clemens introduced to the Senate, Mary Ruth, Joe, Joyce, John, Vickie and Wil Brooks; and Don Weaver, Marshfield.

Senator Stouffer introduced to the Senate, Rich Cole, Maria Spino, Nicholas Burt and Alicia Collins, Lexington.

Senator Loudon introduced to the Senate, seventh grade students from Incarnate Word School, Ballwin.

Senator Stouffer introduced to the Senate, Mrs. Ann Tanner and fifteen fourth grade students from Norborne Elementary School.

Senator Stouffer introduced to the Senate, Tonya Holder, Nelson; and Zach Zullig, Carrollton.

Senator Shields introduced to the Senate, Morris, Barbara and Mandy Neitman, Mound City.

Senator Loudon introduced to the Senate, fourth grade students from Claymont School, Ballwin.

Senator Coleman introduced to the Senate, Mr. and Mrs. Bob Reich, Mr. and Mrs. Mike Szersinsky, Mr. and Mrs. John Neibling and Mr. and Mrs. Paul Dobberstein, St. Louis.

Senator Loudon introduced to the Senate, Ben and Jodi Grant and their children, Joybelle and Victoria, Hawk Point; and Allan and Laura Ann Schwarb and their children David, Anna Catherine, Thomas and Abigail, Troy.

Senator Vogel introduced to the Senate, Jonas Miller, Jefferson City; and Jonas was made an honorary page.

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

SENATE CALENDAR

SIXTY-FOURTH DAY–WEDNESDAY, MAY 4, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 665
HCS for HB 697
HB 880-Hughes, et al
HCS for HB 15
HCS for HB 18
HCS for HB 19

SENATE BILLS FOR PERFECTION

SB 542-Callahan
SB 326-Nodler, with SCS
SB 417-Engler, et al
SB 466-Vogel, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 394, with SCS (Engler)
   (In Fiscal Oversight)
2. HCS for HB 576, with SCA 1 (Nodler)
   (In Fiscal Oversight)

3. HCS for HB 461 (Griesheimer)
4. HB 114-Johnson (47) (Wheeler) (In Fiscal Oversight)
5. HCS for HBs 518, 288, 418 & 635, with SCS (Dolan) (In Fiscal Oversight)
6. HCS#2 for HB 568 (Nodler)
7. HCS for HB 353, with SCS (Bartle) (In Fiscal Oversight)
8. HCS for HB 208, with SCS (Crowell)
9. HCS for HB 276 (Nodler)
10. HCS for HB 64, with SCS (Crowell)
11. HCS for HB 209, with SCS (Griesheimer)
12. HCS for HB 824
13. HB 738-Behnen (Scott)
14. HCS for HB 525 (Scott)
15. HB 700-Moore, et al
16. HB 539-Icet, et al, with SCS (Nodler)
17. HB 617-Kelly (144), et al, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS (pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS for SCS (pending)
SB 55-Klindt, with SCS & SS for SCS (pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS (pending)
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1 to SA 1 (pending)
SB 199-Gross
SB 214-Scott, et al, with SCS
SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS (pending)
SB 373-Bartle
SB 376-Loudon
SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
SS for SCS for HCS for HB 58 (Griesheimer) (In Fiscal Oversight)
HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)
HCS for HB 174 (Taylor)
HCS for HB 186, with SCS (Scott)
HCS for HB 334 (Crowell)
HCS for HB 347, with SCS & SS for SCS (pending) (Dolan)
HCS for HB 388 (Loudon)
HCS for HB 437, with SCS (Dolan)
HCS for HB 468, with SCS (Scott)
HB 487-Bruns and Deeken, with SCS (Dolan)
HB 564-Boykins, et al (Coleman)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf (Shields)
HCS for HB 606 (Kennedy)

CONSENT CALENDAR

House Bills

Reported 4/12

HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HB 413-Hubbard, et al (Coleman)
HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 307-Purgason, with HCS
SB 367-Cauthorn, with HA 1 & HA 2
SCS for SB 390-Taylor, with HA 1 & HA 3
SB 490-Koster, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HB 1-Lager, with SCS (Gross)
HCS for HB 2, with SCS (Gross)
HCS for HB 3, with SCS, as amended (Gross)
HCS for HB 4, with SCS (Gross)
HCS for HB 5, with SCS (Gross)
HCS for HB 6, with SCS (Gross)
HCS for HB 7, with SCS, as amended (Gross)
HCS for HB 8, with SCS, as amended (Gross)
HCS for HB 9, with SCS (Gross)
HCS for HB 10, with SCS, as amended (Gross)
HCS for HB 11, with SCS, as amended (Gross)
HB 12-Lager, with SCS, as amended (Gross)
HB 13-Lager, with SCS (Gross)

Requests to Recede or Grant Conference

SCS#2 for SB 155-Mayer, with HCS, as amended (Senate requests House recede or grant conference)
SS for SCS for SB 210-Griesheimer, with HCS, as amended (Senate requests House recede or grant conference)
SCS for SB 246-Days, with HCS (Senate requests House recede and pass the bill)

RESOLUTIONS

Reported from Committee

SCR 10-Scott
SCR 12-Koster
SCR 14-Purgason
HCR 11-Sander, et al (Stouffer)
HCR 9-Bivins, et al
HCR 15-Baker (123) (Koster)
HCR 20-Rupp, et al (Dolan)
HCS for HCR 24 (Coleman)
SR 901-Mayer, et al
SR 1193-Vogel, with SCA 1
SCR 17-Scott

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