

Journal of the Senate

SECOND REGULAR SESSION

FORTY-EIGHTH DAY—TUESDAY, APRIL 4, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

"Pleasant words are like a honeycomb, sweetness to the soul and health to the body." (Proverbs 16:24)

Absent with leave—Senators—None

Gracious Lord, give us good words this day: words that lift us up and words that heal; words that are informative and words that instruct. Take from us words that are hurtful and misleading; words that undermine and depreciate. Remind us of words that say thank you and appreciate the other. In Your Holy Name we pray. Amen.

Vacancies—1

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2573, regarding Cape Christian School, Cape Girardeau, which was adopted.

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

Senator Klindt offered Senate Resolution No. 2574, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Keith Abbey, Trenton, which was adopted.

The Journal of the previous day was read and approved.

Senator Klindt offered Senate Resolution No. 2575, regarding Zachery Nelson, which was adopted.

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

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Senator Klindt offered Senate Resolution No. 2576, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ervin "Pete" Garr, Brookfield, which was adopted.

Senator Klindt offered Senate Resolution No. 2577, regarding the Fiftieth Wedding Anniversary

of Mr. and Mrs. Richard Brand, Hopkins, which was adopted.

Senator Champion offered Senate Resolution No. 2578, regarding Nycolle King, which was adopted.

Senator Vogel offered Senate Resolution No. 2579, regarding Russell J. "Rusty" Esvelt, Jefferson City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SBs 905** and **910**; and **SB 778** begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 778 was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 832**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 832**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 832

An Act to repeal sections 99.470, 99.805, 99.810, 99.820, 99.825, 99.845, 99.847, and 99.865, RSMo, and to enact in lieu thereof ten new sections relating to tax increment financing, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 832** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 832**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 832

An Act to repeal sections 99.805, 99.810, 99.820, 99.825, 99.845, 99.847, and 99.865, RSMo, and to enact in lieu thereof nine new sections relating to tax increment financing, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 832** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Pages 1-8, Section 99.805, by striking said section from the bill; and

Further amend said bill, Pages 8 to 10, Section 99.810, by striking said section from the bill; and

Further amend said bill, Pages 10 to 18, Section 99.820, by striking said section from the bill; and

Further amend said bill, Pages 18 to 22, Section 99.825, by striking said section from the bill; and

Further amend said bill, Pages 22 to 23, Section 99.827, by striking said section from the bill; and

Further amend said bill, Pages 24 to 25, Section 99.841, by striking said section from the bill; and

Further amend said bill, Pages 25 to 40, Section 99.845, by striking said section from the bill; and

Further amend said bill, Pages 40 to 41, Section 99.847, by striking said section from the bill; and

Further amend said bill, Pages 41 to 45, Section 99.865, by striking said section from the bill; and inserting in lieu thereof 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] a social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. **The fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or is considered an economic liability or that the land is economically underutilized shall not be a valid factor in determining blight. In addition to such determinations, the applicable property shall support findings that the property satisfies the following criteria:**

(a) **The property is located in an area of “high unemployment”. For purposes of this section, the term “high unemployment” shall mean unemployment in the proposed redevelopment area of at least two times that of the metropolitan statistical area in which the area is located or, two times the unemployment rate of non-metropolitan counties if the area is not located in a metropolitan statistical area; and**

(b) **The property is one with “low fiscal capacity”. For purposes of this section, the term “low fiscal capacity” shall mean per capita assessed valuation of property in the municipality of less than fifty percent of the entire county in which it is located, or, if when adjusted for inflation, the cumulative assessed value for such applicable property or properties has not increased in the previous three reassessment periods; and**

(c) The municipality, census block group or groups, as defined in the most recent decennial census, containing the redevelopment area are characterized by low income. For purposes of this section, the term “low income” shall mean either a Missouri municipality within a metropolitan statistical area which has a population of a least one thousand five hundred and median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census.

The determination of blight shall be considered a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law consistent with this section, displaying clear and convincing evidence for the sufficiency of such finding of blight. Such findings shall be reviewed de novo by a court of competent jurisdiction, at the request of any owner of property deemed blighted;

(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] **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 effective 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 by reason of the predominance of unsanitary or unsafe conditions, deterioration of site improvements, 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 a social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. The fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue, or is considered an economic liability, or that the land is economically underutilized shall not be a valid factor in declaring an area a conservation area. In addition to such determinations, the applicable property shall support findings that the property satisfies the following criteria:**

(a) **The property is located in an area of “moderate unemployment”. For purposes of this section, the term “moderate**

unemployment” shall mean unemployment in the proposed redevelopment area of at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of non-metropolitan counties if the area is not located in a metropolitan statistical area; and

(b) **The property is one with “reduced fiscal capacity”. For purposes of this section, the term “reduced fiscal capacity” shall mean per capita assessed valuation of property in the municipality of less than seventy percent of the entire county in which it is located, or, if when adjusted for inflation, the cumulative assessed value for such applicable property or properties has not increased in the previous two reassessment periods; and**

(c) **The municipality, census block group or groups, as defined in the most recent decennial census, containing the redevelopment area are characterized by reduced income. For purposes of this section, the term “reduced income” shall mean either a Missouri municipality within a metropolitan statistical area which has a population of a least one thousand five hundred and median household income of under eighty-five percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under eighty-five percent of the median household income for the metropolitan area in Missouri, according to the last decennial census.**

The determination that an area is a conservation area shall be considered a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law

consistent with this section, displaying clear and convincing evidence for the sufficiency of such finding. Such findings of fact shall be reviewed de novo, by a court of competent jurisdiction, at the request of any owner of property deemed a conservation area;

(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)] (6) “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)] (7) “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)] (8) “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)] (9) “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)] **(10)** “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)] **(11)** “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)] **(12)** “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)] **(13)** “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)] **(e)** 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)] **(f)** 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)] (g) 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)] (h) Payments in lieu of taxes;

Legal fees incurred during a redevelopment project shall not constitute redevelopment project costs and the party incurring such costs shall be responsible for payment;

[(15)] (14) “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)] (15) “Taxing districts”, any political subdivision of this state having the power to levy taxes;

[(17)] (16) “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)] (17) “Vacant land”, any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most

recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area[,] or a conservation area, [or an economic development area,] and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence

presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. **An ordinance providing for a tax increment finance project for residential development or redevelopment shall not be approved unless unanimous consent for such project is granted by the members of the tax increment finance commission representing the interest of the school boards whose districts are included within the redevelopment plan or redevelopment area.** After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to

the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Tax incremental financing projects within [an economic development] **a blighted area or conservation** area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

523.015. Notwithstanding any other provision of law to the contrary, if a temporary easement for a specified period of time is granted as a result of condemnation instead of an easement of perpetual duration, any extension of such easement shall not be granted automatically; instead, the condemning entity shall only be granted an extension of the easement upon completing the formal condemnation proceedings of this chapter and paying the ordered amount of compensation for the extension.

523.025. Notwithstanding any other provision of law to the contrary, no political subdivision with an elected governing body shall exercise the power of eminent domain or condemnation until the elected governing body approves of the proposed condemnation by a two-thirds majority vote.

523.035. 1. After the petition has been filed under section 523.030, the court shall, prior to appointing commissioners under section 523.040, determine whether or not:

(1) The condemning entity has the authority to exercise the power of eminent domain;

(2) The property sought to be condemned is subject to the exercise of eminent domain;

(3) The property sought to be condemned is for a public use; and

(4) The condemning entity is properly exercising the power of eminent domain in the particular proceeding.

The court may also determine any other issues raised by the owner of the property which attacks the validity of the condemning entity's right to exercise eminent domain over the owner's property.

2. If the court determines that the condemning entity has satisfied all the requirements of subsection 1 of this section, the court shall enter an interlocutory order to such effect. An interlocutory appeal shall lie from the decision as a matter of right.

3. If the court determines that the condemning entity has not satisfied all the requirements of subsection 1 of this section and does not have the authority to exercise the power of eminent domain in this particular proceeding, the court shall dismiss the condemning entity's petition with prejudice and direct the condemning entity to pay the owner's court costs and attorneys' fees.

4. The appeal provided for in subsection 2 of this section shall be an interlocutory appeal, filed in the appropriate appellate court. Notice of such interlocutory appeal shall be filed within three business days of the entry of the order of trial court; the time limits applicable to such appeal shall be the same as in interlocutory appeals allowed to the state in criminal cases.

523.095. 1. Notwithstanding any other provision of law to the contrary, the state or any political subdivision thereof shall not exercise the power of eminent domain to acquire property for the purpose of economic development unless acquisition of such property is expressly authorized by law or the provisions of this subsection are fulfilled. No private

property that the government takes in the exercise of its power of eminent domain shall be used for economic development unless seven years have passed since the time of the original authorized taking and the government offers the original owner, or his or her heirs or assigns, the right of first refusal to buy the property at the original condemnation price before proceeding with the development.

2. For the purposes of this section, “economic development” means any activity performed to increase tax revenue, tax base, employment rates, or general economic health, when the activity does not result in:

(1) The transfer of land to public ownership;

(2) The transfer of land to a private entity that is a common carrier;

(3) The transfer of property to a private entity that will remove a blighted area as defined in chapter 99, RSMo; or

(4) The lease of the property to private entities that occupy an incidental area within a public project.

523.110. When any entity with condemnation authority negotiates with a property owner to acquire any property interest which may eventually be acquired through formal eminent domain proceedings, the condemning entity shall provide the owner of the property a form containing a written summary of the rights of an owner of property to be acquired under this chapter via certified mail return receipt requested. If the condemning entity does not supply the owner of the real property with this form, a presumption shall exist that any sale or contract entered into between the condemning entity and the owner was not voluntary and the condemning entity may be held responsible for any relief, if any, as the court may determine to be appropriate considering all of the facts and circumstances,

including, but not limited to, an award of punitive damages.

523.115. 1. Before proceeding to acquire any property interest by condemnation, a condemning entity must give notice of such intent, together with a description of the property interest to be acquired, notice of the property owners' right to a hearing, and notice that the decision determined at that hearing may be appealed to be heard by a jury of peers, to anyone having an interest of record in the property involved. Such notice shall advise that the condemning entity shall pay the reasonable costs of an appraisal pursuant to subsection 2 of this section. Such notice, however, need not be given to any of such persons who cannot be found by the condemning entity upon the exercise of due diligence. Upon receipt of such notice, such persons may employ an appraiser of their choosing to appraise the property interest to be acquired. The appraiser shall be a Missouri certified general appraiser bound by the uniform standards of professional appraisal practice (USPAP). The value of the land or property actually taken shall be equal to the market value with applicable upward adjustments. Within ninety days of the date of such notice, such persons may submit to the condemning entity a copy of such appraisal. The condemning entity shall, immediately upon receipt thereof, submit to such persons copies of its appraisals. If the property interest is being acquired in relation to a federal aid project, the appraisals submitted by the condemning entity shall be those which have been approved by it pursuant to applicable statutes and regulations, if such approval is required. All such appraisals may be used by the parties to negotiate in good faith for the acquisition of the property interest, but only the condemning entity shall be bound by such appraisals.

2. If an appraisal is submitted to the condemning entity in accordance with the

provisions of subsection 1 of this section, the condemning entity shall pay the reasonable costs of such appraisal. If more than one person has an interest in the property sought to be acquired and such persons cannot agree on an appraisal to be submitted under subsection 1 of this section, the condemning entity shall be relieved of any obligation imposed upon it to pay for such appraisals as may be submitted to it pursuant to this section.

3. Nothing in this section shall be construed as limiting in any way the obligation of the condemning entity to negotiate in good faith for the acquisition of any property interest sought prior to instituting eminent domain proceedings or as limiting in any way the discovery rights of parties to eminent domain proceedings.

4. Nothing in this section shall prevent the condemning entity from complying with federal and state requirements to qualify the authority for federal aid grants.

5. A condemning entity shall not make an offer to purchase the property or property interest that is less than the market value the condemning entity has established for the property or property interest pursuant to the appraisal required in subsection 1 of this section. A condemning entity need not make an offer in excess of that amount in order to satisfy the requirement to negotiate in good faith.

6. No later than ten days before the formal filing of a petition under section 523.010, the condemning entity must make a written offer to purchase the desired property or property interest in the form prescribed in subsection 7 of this section.

7. The offer shall be substantially in the following form:

..... (condemner) is authorized by (specific Missouri law granting authorization) to obtain your property or an easement across your property for certain public purposes.....

needs (easement or other property interest) across your property and needs to take (legal description of the property or easement to be taken; the legal description may be made on a separate sheet and attached to this document if additional space is required).

It is your opinion that the market value of the(property or easement) that (condemner) seeks to acquire is \$....., and, therefore,(condemner) offers you \$....., for the above described(property or easement). You have ten days from(date of offer) to accept this offer. If you do not accept, (condemner) will initiate eminent domain proceedings by filing a petition under section 523.010. The submitted offer shall be in the form of a verified affidavit.

8. If the condemning entity and the condemnee fail to reach agreement and the amount of damages awarded the condemnee by the commissioners under section 523.040 or by the court or jury under section 523.030, exclusive of interest and costs, is within twenty percent of the original offer, the condemnee shall pay the condemning entity's litigation expenses, including court costs and attorney's fees, in an amount that does not exceed two thousand five hundred dollars. If the amount of damages awarded to the condemnee, exclusive of interest and costs, exceeds the amount of the original offer by twenty percent or more, the condemning entity shall pay the condemnee's litigation expenses, including court costs and attorney's fees, in an amount not to exceed two thousand five hundred dollars. If the amount of damages awarded to the condemnee, exclusive of interest and costs, exceeds the amount of the original offer by fifty percent or more, the condemning entity shall pay the condemnee's litigation expenses, including court costs and attorney's fees, in an amount not to exceed two thousand five hundred dollars and double

damages on that portion of the damages that exceeds the amount of the original offer by twenty percent.

523.205. 1. Any public agency as defined in section 523.200 which is required, as a condition to the receipt of federal funds, to give relocation assistance to any displaced person is hereby authorized and directed to give similar relocation assistance to displaced persons when the property involved is being acquired for the same public purpose through the same procedures, and is being purchased solely through expenditure of state or local funds.

2. The governing body of any city, or agency thereof, prior to approval of a plan, project or area for redevelopment under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, **or any other political subdivision initiating condemnation proceedings**, which proposes or includes within its provisions or necessitates displacement of persons, when such displacement is not subject to the provisions of the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 to 4655, as amended) or subsection 1 of this section, shall establish by ordinance or rule a relocation policy which shall include, but not be limited to, the provisions and requirements of subsections 2 to 15 of this section, or in lieu thereof, such relocation policy shall contain provisions and requirements which are equivalent to the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 to 4655, as amended).

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

(1) "Business", any lawful activity that is conducted:

(a) Primarily for the purchase, sale or use of personal or real property or for the manufacture, processing or marketing of products or

commodities; or

(b) Primarily for the sale of services to the public;

(2) "Decent, safe and sanitary dwelling", a dwelling which meets applicable housing and occupancy codes. The dwelling shall:

(a) Be structurally sound, weathertight and in good repair;

(b) Contain a safe electrical wiring system;

(c) Contain an adequate heating system;

(d) Be adequate in size with respect to the number of rooms needed to accommodate the displaced person; and

(e) For a handicapped person, be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling;

(3) "Handicapped person", any person who is deaf, legally blind or orthopedically disabled to the extent that acquisition of another residence presents a greater burden than other persons would encounter or to the extent that modifications to the replacement residence would be necessary;

(4) "Initiation of negotiations", the delivery of the initial written offer of just compensation by the acquiring entity, to the owner of the real property, to purchase such real property for the project, or the notice to the person that he will be displaced by rehabilitation or demolition;

(5) "Person", any individual, family, partnership, corporation, or association.

4. Every urban redevelopment corporation acquiring property within a redevelopment area shall submit a relocation plan as part of the redevelopment plan.

5. Unless the property acquisition under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, is subject to federal relocation standards or subsection 1 of this section, the relocation plan shall provide for the following:

(1) Payments to all eligible displaced persons, as defined, who occupied the property to be acquired for not less than ninety days prior to the initiation of negotiations who are required to vacate the premises;

(2) A program for identifying special needs of displaced persons with specific consideration given to income, age, size of family, nature of business, availability of suitable replacement facilities and vacancy rates of affordable facilities;

(3) A program for referrals of displaced persons with provisions for a minimum of three decent, safe and sanitary housing referrals for residential persons or suitable referral sites for displaced businesses, a minimum of ninety days' notice of referral sites for handicapped displaced persons and sixty days' notice of referral sites for all other displaced persons prior to the date such displaced persons are required to vacate the premises, and arrangements for transportation to inspect referral sites; and

(4) Every displaced person shall be given a ninety-day notice to vacate, prior to the date such displaced person is required to vacate the premises.

6. All displaced residential persons eligible for payments shall be provided with relocation payments based upon one of the following, at the option of the person:

(1) A [five-hundred-dollar] **five hundred dollar** fixed payment; or

(2) Actual reasonable costs of relocation including actual moving costs, utility deposits, key deposits, storage of personal property up to one month, utility transfer and connection fees and other initial rehousing deposits including first and last month's rent and security deposit.

7. All displaced businesses eligible for payments shall be provided with relocation payments based upon the following, at the option of the business:

(1) A [one-thousand-five-hundred-dollar] **one**

thousand five hundred dollar fixed payment; or

(2) Actual costs of moving including costs for packing, crating, disconnection, dismantling, reassembling and installing all personal equipment and costs for relettering similar signs and similar replacement stationery.

8. If a displaced person demonstrates the need for an advance relocation payment, in order to avoid or reduce a hardship, the developer or public agency shall issue the payment subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished. Payment for a satisfactory claim shall be made within thirty days following receipt of sufficient documentation to support the claim. All claims for relocation payment shall be filed with the displacing agency within six months after:

(1) For tenants, the date of displacement;

(2) For owners, the date of displacement or the final payment for the acquisition of the real property, whichever is later.

9. Any displaced person, who is also the owner of the premises, may waive relocation payments as part of the negotiations for acquisition of the interest held by such person. Such waiver shall be in writing, shall disclose the person's knowledge of the provisions of this section and his entitlement to payment and shall be filed with the acquiring public agency.

10. All persons eligible for relocation benefits shall be notified in writing of the availability of such relocation payments and assistance, with such notice to be given concurrently with the notice of referral sites as required in subdivision (3) of subsection 5 of this section.

11. Any urban redevelopment corporation, its assigns or transferees, which have been provided any assistance under the operation of chapter 99, RSMo, chapter 100, RSMo, chapter 353, RSMo, or this chapter, with land acquisition by the local governing body, shall be required to make a report to the local governing body or appropriate public

agency which shall include, but not be limited to, the addresses of all occupied residential buildings and structures within the redevelopment area and the names and addresses of persons displaced by the redeveloper and specific relocation benefits provided to each person, as well as a sample notice provided to each person.

12. An urban redevelopment corporation which fails to comply with the relocation requirements provided in this section shall not be eligible for tax abatement as provided for in chapter 353, RSMo.

13. The requirements set out in this section shall be considered minimum standards. In reviewing any proposed relocation plan under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, the local governing body or public agency shall determine the adequacy of the proposal and may require additional elements to be provided.

14. Relocation assistance shall not be provided to any person who purposely resides or locates his business in a redevelopment area solely for the purpose of obtaining relocation benefits.

15. The provisions of sections 523.200 and 523.205 shall apply to land acquisitions under the operation of chapter 99, RSMo, chapter 100, RSMo, or chapter 353, RSMo, filed for approval, approved or amended on or after August 31, 1991, **or any other land acquisition obtained through formal condemnation proceedings.**”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

At the request of Senator Griesheimer, **SB 832**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 778, introduced by Senator Ridgeway, et

al, entitled:

An Act to repeal section 306.030, RSMo, and to enact in lieu thereof two new sections relating to the state water patrol.

Was called from the Informal Calendar and taken up.

On motion of Senator Ridgeway, **SB 778** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Klindt
Koster	Nodler	Purgason	Ridgeway
Shields	Stouffer	Vogel	Wheeler
Wilson—21			

NAYS—Senators

Bartle	Callahan	Graham	Green
Griesheimer	Gross	Kennedy	Loudon
Mayer—9			

Absent—Senators

Bray	Scott—2
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Absent with leave—Senator Dougherty—1

Vacancies—1

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.

SB 1002, introduced by Senator Mayer, entitled:

An Act to amend chapter 242, RSMo, by adding thereto one new section relating to drainage districts.

Was taken up.

On motion of Senator Mayer, **SB 1002** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Graham—1

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—1

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.

SCS for SBs 905 and 910, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 905 and 910

An Act to repeal section 383.105, RSMo, and to enact in lieu thereof twelve new sections relating to medical malpractice insurance, with an expiration date for certain sections.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS for SBs 905 and 910** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—1

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.

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 **HCR 4**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 4

Relating to recognition of autism awareness day and autism awareness month.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, it is estimated that more the 1.5 million Americans live with some form of autism, including more than 100,000 children served under the federal Individuals with Disabilities Education Act (IDEA); and

Whereas, the Missouri Department of Elementary and Secondary Education recently identified 3,393 children between the ages of 3 and 21 as autistic, an increase of 1,000% from the 294 children identified in 1991; and

Whereas, the increase in autism spectrum disorder's prevalence across the entire United States is an urgent public health concern, with the frequency of autism spectrum disorders now surpassing that of all types of cancer combined; and

Whereas, while autism is not a curable disorder, recent studies have shown that early intervention can have dramatic results for children which allows them to enjoy a productive and independent life; and

Whereas, because many insurance companies and government assistance does not fully cover the costs of services associated with autism, many families are spending in excess of \$70,000 a year for services for their children; and

Whereas, during the month of April the autism community around the United States will be involved in many activities to increase awareness of autism:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby:

(1) Recognize April twenty-seventh of each year as "Autism Awareness Day" and the month of April each year as "Autism Awareness Month" in Missouri;

(2) Recognize and commend the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) Stress the need to begin early intervention services soon after an individual has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for individuals with autism and early intervention significantly improves outcomes for individuals with autism and can reduce the level of funding and services needed later in life;

(4) Recognize the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those students with autism; and

(5) Recognize the importance of worker training programs that meet the needs of developmentally disabled individuals, including those individuals with autism, and note that individuals with autism can be and are productive members of the workforce if they are given appropriate support, training, and early intervention services; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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

RECESS

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

RESOLUTIONS

Senator Gross offered Senate Resolution No. 2580, regarding Michael Shipley, which was adopted.

Senator Gross offered Senate Resolution No. 2581, regarding Thomas Benton, which was adopted.

Senator Gross offered Senate Resolution No. 2582, regarding Kim Huffman, which was adopted.

Senator Gross offered Senate Resolution No. 2583, regarding Renee and Derrick Rivers, which was adopted.

Senator Gross offered Senate Resolution No. 2584, regarding Jason Lee, which was adopted.

Senator Gross offered Senate Resolution No. 2585, regarding Colleen Clifford, which was adopted.

Senator Gross offered Senate Resolution No. 2586, regarding John Hanley, which was adopted.

Senator Gross offered Senate Resolution No. 2587, regarding Andy and Susan Quinones, which was adopted.

Senator Gross offered Senate Resolution No. 2588, regarding Ann Walton, which was adopted.

Senator Gross offered Senate Resolution No. 2589, regarding Ann Grice, which was adopted.

Senator Gross offered Senate Resolution No. 2590, regarding Stacey Nelson, which was adopted.

Senator Crowell offered Senate Resolution No. 2591, regarding Debbie Lusk, which was adopted.

Senator Crowell offered Senate Resolution No. 2592, regarding Linda Dirden, which was adopted.

Senator Crowell offered Senate Resolution No. 2593, regarding Sheryl A. Dunavan, which was adopted.

Senator Crowell offered Senate Resolution No. 2594, regarding Brenda Randolph, which was adopted.

Senator Crowell offered Senate Resolution No. 2595, regarding Mary Ellen Watkins, which was adopted.

Senator Crowell offered Senate Resolution No. 2596, regarding the Altenburg School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2597, regarding the Kelso C-7 School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2598, regarding the Delta R-V School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2599, regarding the Leopold R-III School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2600, regarding the Marquand-Zion R-VI School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2601, regarding the Oak Ridge R-VI School District, which was adopted.

Senator Crowell offered Senate Resolution No. 2602, regarding the Zalma R-V School District, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 832**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again up for perfection, which motion prevailed.

At the request of Senator Griesheimer, **SB**

832, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Nodler moved that **SB 894**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 894**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 894**

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to school districts providing an adequate education to students.

Was taken up.

Senator Nodler moved that **SCS** for **SB 894** be adopted.

Senator Nodler offered **SS** for **SCS** for **SB 894**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 894**

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to school districts providing an adequate education to students.

Senator Nodler moved that **SS** for **SCS** for **SB 894** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SB 894** was declared perfected and ordered printed.

Senator Engler moved that **SB 613**, **SB 1030** and **SB 899**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 613, 1030** and **899**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 613, 1030 and 899**

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 570.223, RSMo, and to enact in lieu thereof six new

sections relating to telephone communication, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Engler moved that **SCS** for **SBs 613, 1030 and 899** be adopted.

Senator Engler offered **SS** for **SCS** for **SBs 613, 1030 and 899**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 613, 1030 and 899

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 570.223, RSMo, and to enact in lieu thereof six new sections relating to telephone communication, with penalty provisions and an emergency clause for certain sections.

Senator Engler moved that **SS** for **SCS** for **SBs 613, 1030 and 899** be adopted.

Senator Crowell assumed the Chair.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 613, 1030 and 899, Page 14, Section 570.223, Line 24, by inserting immediately after all of said line the following:

“Section 1. Upon the written request of a residential subscriber, as defined in section 407.1095, RSMo, a wireless telephone provider shall not issue the wireless phone records of the subscriber via any electronic means. Such provider shall only transmit such records through United States mail to the registered address of the subscriber.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 613, 1030 and 899, Page 1, Section 407.1095, Line 11, by inserting after the word “telephone” the words **“or facsimile”**.

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

Senator Coleman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 613, 1030 and 899, Page 6, Section 407.1104, Line 1 by inserting immediately after all of said line the following

“407.1142. 1. This act may be cited as the “RFID Right to Know Act of 2006”.

2. A consumer commodity or package that contains or bears a radio frequency identification tag or bar code shall bear a label as provided in subsection 4 of this section.

3. For purposes of this section, the following terms mean:

(1) “Radio frequency identification” or “RFID”, technologies that use radio waves to automatically identify individual items;

(2) “Tag”, a microchip that is attached to an antenna and is able to transmit identification information.

4. A label required by subsection 2 of this section shall:

(1) State, at a minimum, that the consumer commodity or package contains or bears a radio frequency identification tag, and that the tag can transmit unique identification information to an independent reader both before and after purchase; and

(2) Be in a conspicuous type-size and location and in print that contrasts with the background against which it appears.”

And further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 613, 1030 and 899, Page 6, Section 570.222, Line 23, by inserting immediately after the word “consent” the following:

“of the customer”; and

Further amend said bill and section, page 7, line 9 by inserting immediately after the word “consent” the following:

“of the customer”.

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

Senator Engler moved that **SS** for **SCS** for **SBs 613, 1030 and 899**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SBs 613, 1030 and 899**, as amended, was declared perfected and ordered printed.

Senator Klindt moved that **SB 780** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 780, Page 2, Section 386.715, Line 36, by inserting at the end of said line the following: **“Nothing in this section shall authorize the public service commission to determine how the office of public counsel allocates the estimated expenses directly**

attributable to the regulation of public utilities described in subsection 1 of this section or how the assessment imposed under this section is spent by the office of public counsel.”

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

Senator Callahan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

“386.700. The [director of the department of economic development] **attorney general** shall appoint a public counsel to serve at the pleasure of the [director of the department] **attorney general**. The public counsel shall be an attorney at law licensed to practice law in this state and whose salary shall be fixed by the [department director] **attorney general** within the appropriation made therefor.

386.710. 1. The public counsel shall have the following powers and duties:

(1) He shall employ a staff or hire on a contract basis such employees and experts as are necessary to carry out the purposes and responsibilities of his office, and shall set their compensation within the appropriation made for that purpose;

(2) He may represent and protect the interests of the public in any proceeding before or appeal from the public service commission. **The public counsel may determine that any rate increase for which an appeal is pending shall not take effect until the appeal is resolved;**

(3) He shall have discretion to represent or refrain from representing the public in any proceeding. He shall consider in exercising his discretion the importance and the extent of the public interest involved and whether that interest would be adequately represented without the action of his office. If the public counsel determines that

there are conflicting public interests involved in a particular matter, he may choose to represent one such interest based upon the considerations of this section, to represent no interest in that matter, or to represent one interest and certify to the [director of the department of economic development] **attorney general** that there is a significant public interest which he cannot represent without creating a conflict of interest and which will not be protected by any party to the proceeding. The [director of the department] **attorney general** shall select an attorney, to be paid from funds appropriated for this purpose, to represent that segment of the public certified to him by the public counsel as unrepresented. Nothing in this section shall be construed to limit the right of any person, firm or corporation specified in subsection 1 of section 386.390 to petition or make complaint to the commission or otherwise intervene in proceedings or other matters before the commission.

2. The public counsel shall be served with all proposed tariffs, initial pleadings, and applications, in all proceedings before the public service commission, and shall be served with a copy of all orders of the commission.

3. Nothing in sections 386.071, 386.150, [386.155,] 386.170, 386.200, 386.330, 386.360, 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480, 386.500, 386.530, 386.540, 386.600, 386.700 and 386.710, shall be construed or interpreted to mean that the public counsel shall not have the right to appeal any and all orders of the public service commission to the courts which right of appeal exists and has existed since the time of transfer as provided in section 386.500.

4. He shall have all powers necessary or proper to carry out the duties specified in this section.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above

amendment be adopted.

Senator Bray offered **SSA 1** for **SA 2**:

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

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting after all of said line the following:

“386.700. **1.** The [director of the department of economic development shall appoint a public counsel to serve at the pleasure of the director of the department] **governor, attorney general, and secretary of state shall, by a majority vote, appoint a public counsel by January 1, 2007, for a term of four years and every four years thereafter, with the advice and consent of the senate.** The public counsel shall be an attorney at law licensed to practice law in this state and whose salary shall be fixed by the [department director] **office of administration** within the appropriation made therefor.

2. The governor may remove the public counsel only in cases of misconduct in office.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

At the request of Senator Klindt, **SB 780**, with **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 1244**—Financial and Governmental Organizations and Elections.

HCS for **HB 1256**—Pensions, Veterans’ Affairs and General Laws.

HCS for **HB 1440**—Ways and Means.

HB 1446—Agriculture, Conservation, Parks

and Natural Resources.

HCS for HB 1449—Education.

HB 1494—Financial and Governmental Organizations and Elections.

HCS for HB 1508—Economic Development, Tourism and Local Government.

HB 1509—Economic Development, Tourism and Local Government.

HCS for HB 1515—Aging, Families, Mental and Public Health.

HCS for HB 1551—Financial and Governmental Organizations and Elections.

HB 1715—Financial and Governmental Organizations and Elections.

HCS for HB 1759—Financial and Governmental Organizations and Elections.

HB 1833—Agriculture, Conservation, Parks and Natural Resources.

HB 1857—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1037—Commerce, Energy and the Environment.

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 adopted **HCR 25**.

HOUSE CONCURRENT RESOLUTION NO. 25

Whereas, the current Federal Defense Budget does not include an allocation for the United States Air Force C-17 Globemaster III military transport plane program at Boeing St. Louis; and

Whereas, in 2002, Boeing dedicated a new St. Louis C-17 manufacturing facility which allowed Boeing to consolidate its major St. Louis C-17 assembly work into one facility; and

Whereas, today, twenty percent of all C-17 planes are manufactured at Boeing St. Louis; and

Whereas, the Boeing St. Louis team, the largest supplier for the C-17, produces the airlifter's cargo ramp and door, cockpit,

including the flight deck, main landing gear pods and pylons. In addition, 10,000 detail parts for the C-17 are fabricated at Boeing's strategic partner, GKN Aerospace Services - St. Louis, to deliver to Long Beach, California, and Macon, Georgia; and

Whereas, the new facility at Boeing St. Louis was part of a \$140 million multistage plan designed to transform the Boeing St. Louis site into one of the most competitive operations in the aerospace industry; and

Whereas, if federal funding for this program is not included in the Federal Defense Budget, 950 jobs at Boeing St. Louis and 565 jobs at GKN Aerospace Services - St. Louis would be lost; and

Whereas, Boeing St. Louis is second only to Long Beach, California in the manufacturer of the C-17 Globemaster III military transport plane and has 57 suppliers across the State of Missouri; and

Whereas, the loss of almost 1500 skilled aerospace jobs, occurring at the same time that the Hazelwood Ford Plant is scheduled for closure, would have a significant negative impact on the economy of St. Louis and the State of Missouri, as well as the employment and financial stability of almost 1500 employees in this state:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Congress to include in the Federal Defense Budget an allocation for the United States Air Force C-17 Globemaster III military transport plane program at Boeing St. Louis; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SRB 848**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SRB 848, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE REVISION BILL NO. 848

An Act to repeal sections 21.435, 21.770, 28.163, 32.051, 32.380, 32.382, 42.160, 58.755, 72.424, 82.460, 82.1050, 94.580, 103.081, 105.268, 115.177, 128.345, 128.346, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 135.095, 137.423, 138.236, 140.015, 143.122, 143.172, 143.1010,

143.1011, 143.1012, 144.030, 144.036, 144.041, 160.510, 161.205, 161.655, 169.710, 171.033, 191.938, 197.121, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.260, 292.270, 292.550, 302.295, 313.300, 313.301, 319.022, 319.023, 351.025, 354.065, 376.530, 376.550, 388.650, 400.9-629, 415.430, 417.066, 442.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 644.102, 650.216, and 701.040, RSMo, and to enact in lieu thereof twelve new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

Was taken up.

Senator Bartle moved that **SCS** for **SRB 848** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SRB 848** was declared perfected and ordered printed.

Senator Stouffer moved that **SB 1064**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1064**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1064

An Act to repeal sections 226.530 and 226.580, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 1064** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 1064** was declared perfected and ordered printed.

Senator Klindt moved that **SB 780**, with **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 2** was again taken up.

Senator Bray moved that **SSA 1** for **SA 2** be adopted.

Senator Callahan requested a roll call vote be

taken on the adoption of **SSA 1** for **SA 2**. He was joined in his request by Senators Days, Barnitz, Bray and Green.

SSA 1 for **SA 2** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel—21			

Absent—Senator Clemens—1

Absent with leave—Senator Wheeler—1

Vacancies—1

SA 2 was again taken up.

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

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wilson—10		

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel—20

Absent—Senators

Clemens Koster—2

Absent with leave—Senator Wheeler—1

Vacancies—1

Senator Bray offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting after all of said line the following:

“386.202. No commissioner or employee of the public service commission who is responsible for regulating or making recommendations on the regulation of gas, electric, water, or telephone utilities shall be employed by any public utility, as defined in section 386.020, engaged in such areas of regulation for a period of no less than two years after the individual has completed his or her employment with the commission.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Green requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Bray, Days, Callahan and Dougherty.

SA 3 was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Vogel	Wilson—28

NAYS—Senators

Klindt Koster Stouffer—3

Absent—Senator Clemens—1

Absent with leave—Senator Wheeler—1

Vacancies—1

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

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

“386.700. 1. The director of the department of economic development shall appoint a public counsel to serve at the pleasure of the director of the department. The public counsel shall be an attorney at law licensed to practice law in this state and whose salary shall be fixed by the department director within the appropriation made therefor.

2. The director may remove the public counsel only in cases of misconduct in office.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 780, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“386.390. 1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, **alleging that a public utility's rates are excessive, or otherwise** setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission[]; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, sewer, or telephone corporation, unless the same be signed by the public counsel or the mayor or the president or

chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water, sewer or telephone service].

2. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided.

3. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the public utility, corporation or person complained of.

4. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom summons may be served in accordance with the provisions of the code of civil procedure of this state, and may be made personally or by mailing in a sealed envelope with postage prepaid.

5. The commission shall fix the time when and the place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that the public necessity requires that such hearing be held at an earlier date.

6. If the complaint alleges that a public utility's rates are excessive, the public utility shall, within thirty days or such lesser time as may be prescribed by the commission, file a bond or undertaking approved by the commission conditioned upon the refund in a manner prescribed by the commission of amounts collected after the date of filing of the petition in excess of rates and charges finally determined by the commission to be lawful,

with interest thereon at the legal rate. If, upon hearing, the commission finds that the public utility's rates are unlawful, the commission shall order a refund, with interest, at the legal rate of amounts collected after the date of filing the petition that are determined to be in excess of the amounts that would have been collected under the rates finally approved. In any hearing upon a complaint brought under this subsection, the complainant or complainants shall have the obligation to present evidence to preliminarily support the alleged overcharge. However, the burden of proof to show that the existing rate or the rate complained against is just and reasonable at all times shall be upon the public utility.

7. The commission shall issue a final order deciding any complaint under this section within eleven months of the complaint having been filed.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Klindt raised the point of order that **SA 5** is out of order as it goes beyond the scope of the underlying legislation.

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

On motion of Senator Klindt, **SB 780**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 1037** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Mayer, **SB 1037** was declared perfected and ordered printed.

Senator Nodler moved that **SB 696** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Nodler offered **SS** for **SB 696**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 696

An Act to repeal sections 144.030 and 144.062, RSMo, and to enact in lieu thereof two new sections relating to sales tax exemptions for transportation.

Senator Nodler moved that **SS** for **SB 696** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SB 696** was declared perfected and ordered printed.

Senator Scott moved that **SB 892**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 892**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 892

An Act to repeal sections 408.015 and 408.555, RSMo, and to enact in lieu thereof two new sections relating to mortgage loans.

Was taken up.

Senator Scott moved that **SCS** for **SB 892** be adopted.

Senator Scott offered **SS** for **SCS** for **SB 892**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 892

An Act to repeal sections 143.471, 301.215, 306.435, 361.711, 361.715, 362.275, 362.445, 408.015, 408.555, and 700.385, RSMo, and to enact in lieu thereof thirteen new sections relating to financial institutions.

Senator Scott moved that **SS** for **SCS** for **SB 892** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Pages 21-23, Section 408.015, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Shields assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Page 17, Section 362.078, Lines 24-28 by deleting all said lines and on page 18 lines 1-12 by deleting all said lines

and further amend title and enacting clause accordingly

Senator Engler moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

Senator Stouffer offered **SSA 1** for **SA 2**:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Page 18, Section 362.087, Line 12, by inserting immediately after all of said line, the following:

“The provisions of this section shall expire on August 28, 2008.”; and

further amend the title, line 5, by adding the following: **“; with an expiration date for a certain section”**.

Senator Stouffer moved that the above substitute amendment be adopted.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 892, Page 1, Section 362.087, Line 4, by deleting “2008” and inserting in lieu thereof the following: **“2010”**.

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

SSA 1 for **SA 2** was again taken up.

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

SA 2 was again taken up.

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

Senator Scott moved that **SS** for **SCS** for **SB 892**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **SB 892**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 613, 1030 and 899; SB 1037; SCS** for **SB 1064; SS** for **SCS** for **SB 894; and SCS** for **SRB 848**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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 **HCS** for **HB 1053**, entitled:

An Act to repeal section 610.105, RSMo, and to enact in lieu thereof one new section relating to victim's access to official case records in certain cases in which imposition of sentence is suspended.

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 1088**, entitled:

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to insurance co-payments for prescription drugs.

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 1135**, entitled:

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

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 **HBs 1382 and 1158**, entitled:

An Act to repeal sections 301.445, 301.447, 301.451, 301.456, 301.457, 301.464, 301.465, 301.3054, 301.3085, 301.3090, 301.3116, and 301.4000, RSMo, and to enact in lieu thereof thirteen new sections relating to special license plates for military personnel.

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 1411**, entitled:

An Act to repeal sections 339.010 and 339.100, RSMo, and to enact in lieu thereof two new sections relating to real estate brokers.

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 1488**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a memorial highway.

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 1552**, entitled:

An Act to amend chapter 42, RSMo, by adding thereto one new section relating to veterans.

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 1623**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

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 1653**, entitled:

An Act to repeal section 452.340, RSMo, and to enact in lieu thereof one new section relating to child support.

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 1679**, entitled:

An Act to repeal sections 577.020 and 577.021, RSMo, and to enact in lieu thereof two new sections relating to chemical testing for intoxication of drivers involved in vehicle accidents resulting in death or serious physical injury.

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 No. 2 for HB 1703**, entitled:

An Act to repeal sections 537.620 and 537.640, RSMo, and to enact in lieu thereof two new sections relating to insurance pooling.

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 1707**, entitled:

An Act to repeal section 193.065, RSMo, and to enact in lieu thereof one new section relating to local registrars.

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 1710**, entitled:

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to county property in regional recreational districts.

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 1711**, entitled:

An Act to repeal section 100.050, RSMo, and to enact in lieu thereof one new section relating to industrial development.

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 1746**, entitled:

An Act to repeal sections 42.014 and 42.015, RSMo, and to enact in lieu thereof two new sections relating to veterans' programs.

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 1787**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the guard at home program, with an emergency clause.

Emergency clause adopted.

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 1936**, entitled:

An Act to repeal section 197.291, RSMo, and to enact in lieu thereof one new section relating to the technical advisory committee on the quality of patient care and nursing practices.

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 1511**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to early childhood education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 1066** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Klindt offered **SS** for **SB 1066**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 1066

An Act to repeal section 392.245, RSMo, and to enact in lieu thereof one new section relating to telecommunications companies.

Senator Klindt moved that **SS** for **SB 1066** be adopted, which motion prevailed.

On motion of Senator Klindt, **SS** for **SB 1066** was declared perfected and ordered printed.

Senator Scott moved that **SB 689** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Gross offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 689, Page 2, Section 105.466, Line 14, by inserting after all of said line the following:

“105.470. As used in section 105.473, unless the context requires otherwise, the following words and terms mean:

(1) **“Elected local government official lobbyist”, any natural person who acts for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over two million dollars and, in connection with such activity, meets the requirements of any one or more of the following:**

(a) **Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer;**

(b) **Is engaged for pay or for any valuable consideration for the purpose of performing such activity;**

(c) **Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association, or other entity; or**

(d) **Makes total expenditures of fifty dollars or more during the twelve-month period beginning January 1 and ending December 31 for the benefit of one or more elected local government officials in connection with such activity.**

(2) **“Executive lobbyist”, any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:**

(a) **Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or**

(b) **Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or**

(c) **Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or**

(d) **Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty- first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity.**

An “executive lobbyist” shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. **Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;**

b. **Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;**

c. **Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the goods or services being offered for sale;**

d. **Participating in public hearings or public proceedings on rules, grants, or other matters;**

e. **Responding to any request for information made by any public official or employee of the executive branch of government;**

f. **Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;**

g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or

h. Testifying as a witness before a state board, commission or agency of the executive branch;

[(2)] (3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any gift, honorarium or item of value bestowed including any food or beverage; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is canceled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term "expenditure" shall not include the following:

(a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;

(b) Informational material such as books, reports, pamphlets, calendars or periodicals informing a public official regarding such person's official duties, or souvenirs or mementos valued at less than ten dollars;

(c) Contributions to the public official's campaign committee or candidate committee which are reported pursuant to the provisions of chapter 130, RSMo;

(d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business, provided that such are extended, made or granted in the ordinary course of such person's or entity's

business to persons who are not public officials;

(e) Any item, service or thing of de minimis value offered to the general public, whether or not the recipient is a public official or a staff member, employee, spouse or dependent child of a public official, and only if the grant of the item, service or thing of de minimis value is not motivated in any way by the recipient's status as a public official or staff member, employee, spouse or dependent child of a public official;

(f) The transfer of any item, provision of any service or granting of any opportunity with a reasonably discernible cost or fair market value when such item, service or opportunity is necessary for a public official or employee to perform his or her duty in his or her official capacity, including but not limited to entrance fees to any sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation or official meeting therein;

(g) Any payment, gift, compensation, fee, expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit and when such employment is in addition to their employment as a public official;

[(3)] (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment which primary purpose is to influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such

activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty- first for the benefit of one or more public officials or one or more employees of the judicial branch of state government in connection with attempting to influence such purchasing decisions by the judiciary.

A “judicial lobbyist” shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state court;

b. Participating in public hearings or public proceedings on rules, grants, or other matters;

c. Responding to any request for information made by any judge or employee of the judicial branch of government;

d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic; or

e. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee;

[(4)] (5) “Legislative lobbyist”, any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or

any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty- first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

A “legislative lobbyist” shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. A “legislative lobbyist” shall not include any member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Responding to any request for information made by any public official or employee of the legislative branch of government;

b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any

member thereof;

d. Testifying as a witness before the general assembly or any committee thereof;

[(5)] (6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist or a legislative lobbyist;

[(6)] (7) "Lobbyist principal", any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

[(7)] (8) "Public official", any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision.

105.473. 1. Each lobbyist shall, not later than five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony

before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist [or a], legislative lobbyist, **or elected local government official lobbyist**, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; entertainment; honoraria; meals, food and beverages; and gifts;

(b) **The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses, media and other advertising expenses, travel, entertainment, honoraria, meals, food and beverages, and gifts;**

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist

principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official **or elected local government elected official**, such official's staff, employees, spouse or dependent children;

[(c)] (d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

- a. All members of the senate;
- b. All members of the house of representatives;
- c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or
- d. All members of a caucus of the general assembly if the caucus consists of at least ten members, a list of the members of the caucus has been previously filed with the ethics committee of the house or the senate, and such list has been approved by either of such ethics committees;

[(d)] (e) Any expenditure made on behalf of a public official, **an elected local government official**, or [the public] **such** official's staff, employees, spouse or dependent children, if such expenditure is solicited by such [public] official, the [public] official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence;

[(e)] (f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official **or elected local government official**. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this

section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such

allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government **or any elected local government official** on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed.

This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Scott, **SB 689**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 589** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Champion offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 589, Page 1, In the Title, Line 3, by striking “the sixteenth judicial circuit” and inserting in lieu thereof the following: “judicial circuits”; and

Further amend said bill and page, section 478.463, line 12, by inserting immediately after said line the following:

“478.513. 1. There shall be five circuit judges in the thirty-first judicial circuit consisting of the county of Greene. These judges shall sit in divisions numbered one, two, three, four and five.

2. The circuit judge in division three shall be elected in 1980. The circuit judges in divisions one, four and five shall be elected in 1982. The circuit judge in division two shall be elected in 1984.

3. Beginning January 1, 2007, there shall be an additional circuit judge position within the thirty-first judicial circuit, to be known as division six. The circuit judge in division six shall be elected for a six-year term in 2008.”; and

Further amend the title and enacting clause accordingly.

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

Senator Purgason offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 589, Page 1, Section 478.463, Line 12, by inserting immediately after said line the following:

“478.705. 1. There shall be [two] **three** circuit judges in the twenty-sixth judicial circuit consisting of the counties of Camden, Laclede, Miller, Moniteau and Morgan. These judges shall sit in divisions numbered one [and], two, **and three**.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982. **The governor shall appoint a judge for division three and**

notwithstanding the provisions of section 105.030, RSMo, that judge shall serve until January 1, 2009. A judge for division three shall be elected in 2008.”; and

Further amend the title and enacting clause accordingly.

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

Senator Nodler assumed the Chair.

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

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 589, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“478.387. There shall be [twenty-four] **twenty-three** circuit judges in the twenty-second judicial circuit consisting of the city of St. Louis **and Circuit Clerk Mariano Favazza shall be empowered to choose who gets the boot.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 589, Page 1, Section 478.463, Line 12, by inserting immediately after said line the following:

“478.710. 1. There shall be two circuit judges in the thirty-second judicial circuit consisting of the counties of Perry, Bollinger and Cape Girardeau. These judges shall sit in two divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1982. The circuit judge in division one shall be elected in 1984.

3. Beginning January 1, 2007, there shall be an additional circuit judge position within the thirty-second judicial circuit, to be known as division three. The circuit judge in division three shall be elected for a six-year term in

2008.

Section 1. 1. There shall be two circuit judges in the thirty-third judicial circuit consisting of the counties of Mississippi and Scott. These judges shall sit in two divisions numbered one and two.

2. The circuit judge in office on August 28, 2006, shall sit in division one and shall be elected in 2006. The circuit judge in division two shall be elected in 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Crowell offered **SA 1 to SA 4**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4**

Amend Senate Amendment No. 4 to Senate Bill No. 589, Page 1, Section 1, Line 14 by inserting immediately after “1.” the following:

“Beginning January 1, 2007,”.

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

SA 4, as amended, was again taken up.

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

Senator Crowell assumed the Chair.

On motion of Senator Bartle, **SB 589**, as amended, was declared perfected and ordered printed.

Senator Nodler moved that **SB 798**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 798, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 798**

An Act to repeal sections 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, and 621.045, RSMo, and to enact in lieu thereof seven new sections relating to architects, professional engineers, and land surveyors, with penalty

provisions.

Was taken up.

Senator Nodler moved that **SCS** for **SB 798** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **SB 798** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 780**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2603, regarding Kathy Wright, which was adopted.

Senator Crowell offered Senate Resolution No. 2604, regarding Linda Schild, which was adopted.

Senator Crowell offered Senate Resolution No. 2605, regarding Pam Schulte, which was adopted.

Senator Crowell offered Senate Resolution No. 2606, regarding Martha Stephens, which was adopted.

Senator Crowell offered Senate Resolution No. 2607, regarding LouAnn Hays Zoffuto, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Days moved that **SB 596** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Days offered **SS** for **SB 596**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 596

An Act to repeal sections 475.010 and 475.045, RSMo, and to enact in lieu thereof three new sections relating to standby guardianship of minors.

Senator Days moved that **SS** for **SB 596** be adopted, which motion prevailed.

On motion of Senator Days, **SS** for **SB 596** was declared perfected and ordered printed.

Senator Koster moved that **SB 825**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 825**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 825

An Act to amend chapter 70, RSMo, by adding thereto six new sections relating to the Kansas and Missouri Regional Investment District Compact.

Was taken up.

Senator Koster moved that **SCS** for **SB 825** be adopted.

Senator Koster offered **SS** for **SCS** for **SB 825**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 825

An Act to amend chapter 70, RSMo, by adding thereto six new sections relating to the Kansas and Missouri Regional Investment District Compact.

Senator Koster moved that **SS** for **SCS** for **SB 825** be adopted.

At the request of Senator Koster, **SB 825**, with **SCS** and **SS** for **SCS** (pending) was placed on the Informal Calendar.

Senator Scott moved that **SB 643** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Scott, **SB 643** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 646**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 646**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 646

An Act to amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 646** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 646, Page 2, Section 204.602, Line 6, by striking the words “the appropriate” and inserting in lieu thereof the following: “**each**”; and further amend said line by striking the word “wherein” and inserting in lieu thereof the following: “**having jurisdiction in the geographic area**”; and further amend line 7 by striking the word “that” and inserting in lieu thereof the following: “**by each**”; and further amend line 7 by inserting immediately after the word “commission” the following: “**having jurisdiction**”; and further amend line 9 by striking the word “the” as it appears the second time in said line and inserting in lieu thereof the following: “**any**”; and further amend said line by inserting immediately after the word “commission” the following: “**having jurisdiction**”; and further amend line 11 by inserting immediately after the word “commission” the following: “**which rejected the petition**”; and further amend said line by inserting immediately after the word “court” the following: “**of that county in the county which rejected the petition**”; and

Further amend page 7, section 204.604, line 6, by inserting immediately after the word “county” the following: “**or counties**”; and further amend line 10 by inserting immediately after the word “commission” the following: “**, or each county commission if the district exists in more than one county,**”; and further amend line 12 by inserting immediately after the word “commission” the following: “**or any county commissions in districts existing in more than one county,**”; and further amend line 13 by inserting immediately

after the word “commission” the following: “**or commissions comprising the district**”; and further amend line 14 by inserting immediately after the word “circuit” the following: “**having jurisdiction over the district**”; and

Further amend said bill, page 28, section 204.674, lines 8-11, by striking all of said lines and inserting in lieu thereof the following: “**provides wholesale sewer service.**”.

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer moved that **SCS** for **SB 646**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 646**, as amended, was declared perfected and ordered printed.

Senator Champion moved that **SB 690**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 690**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 690

An Act to repeal sections 210.145 and 210.183, RSMo, and to enact in lieu thereof two new sections relating to a child abuse or neglect investigation involving the death of a child.

Was taken up.

Senator Champion moved that **SCS** for **SB 690** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 690** was declared perfected and ordered printed.

Senator Koster moved that **SB 825**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 825** was again taken up.

Senator Koster moved that **SS** for **SCS** for **SB 825** be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **SB 825** was declared perfected and ordered printed.

Senator Mayer assumed the Chair.

Senator Crowell moved that **SB 718**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 718**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal section 100.281, RSMo, and to enact in lieu thereof one new section relating to the development finance board.

Was taken up.

Senator Crowell moved that **SCS** for **SB 718** be adopted.

Senator Crowell offered **SS** for **SCS** for **SB 718**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal sections 8.420, 100.265, and 100.281, RSMo, and to enact in lieu thereof four new sections relating to the issuance of state loans.

Senator Crowell moved that **SS** for **SCS** for **SB 718** be adopted.

Senator Barnitz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 3, Section 8.420, Line 9 by inserting immediately after all of said line the following

“100.255. As used in sections 100.250 to 100.297, the following terms mean:

(1) “Board”, the Missouri development finance board created by section 100.265;

(2) “Borrower”, any person, partnership, public or private corporation, association, development agency or any other entity eligible for funding under sections 100.250 to 100.297, **but shall not include any professional athletic team as defined in section 143.183, RSMo, or any**

sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo;

(3) “Development agency”, any of the following:

(a) A port authority established pursuant to chapter 68, RSMo;

(b) The bi-state development agencies established pursuant to sections 70.370 to 70.440, RSMo, and sections 238.010 to 238.100, RSMo;

(c) A land clearance for redevelopment authority established pursuant to sections 99.300 to 99.660, RSMo;

(d) A county, city, incorporated town or village or other political subdivision or public body of this state;

(e) A planned industrial expansion authority established pursuant to sections 100.300 to 100.620;

(f) An industrial development corporation established pursuant to sections 349.010 to 349.105, RSMo;

(g) A real property tax increment financing commission established pursuant to sections 99.800 to 99.865, RSMo;

(h) Any other governmental, quasi-governmental or quasi-public corporation or entity created by state law or by resolution adopted by the governing body of a development agency otherwise described in paragraphs (a) through (g) of this subdivision, **but shall not include any sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo;**

(4) “Development and reserve fund”, the industrial development and reserve fund established pursuant to section 100.260;

(5) “Export finance fund”, the Missouri export finance fund established pursuant to section 100.260;

(6) “Export trade activities” includes, but is not limited to, consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance,

transportation, including trade documentation and freight forwarding, communication, and processing of foreign orders to and for exporters and foreign purchases and warehousing, when undertaken to export or facilitate the export of goods or services produced or assembled in this state;

(7) “Guarantee fund”, the industrial development guarantee fund established by section 100.260;

(8) “Infrastructure development fund”, the infrastructure development fund established under section 100.263;

(9) “Infrastructure facilities”, the highways, streets, bridges, water supply and distribution systems, mass transportation facilities and equipment, telecommunication facilities, jails and prisons, sewers and sewage treatment facilities, wastewater treatment facilities, airports, railroads, reservoirs, dams and waterways in this state, acquisition of blighted real estate and the improvements thereon, demolition of existing structures and preparation of sites in anticipation of development, public facilities, and any other improvements provided by any form of government or development agency, **but shall not include any such facilities for use by any professional athletic team as defined in section 143.183, RSMo, or any sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo;**

(10) “Jobs now fund”, the jobs now fund established under section 100.260;

(11) “Jobs now projects”, the purchase, construction, extension, and improvement of real estate, plants, buildings, structures, or facilities, whether or not now in existence, used or to be used primarily as infrastructure facilities or public facilities. When any entity provides a certified design or operation plan which is demonstrably less than the usual and customary average industry determination of cost for installation, construction, purchasing, extension, and improvement of real estate, manufacturing facilities, buildings, structures or facilities, including public facilities, then the entity or company providing such service

may receive payment in an amount equal to the usual and customary fee for such project plus additional compensation equal to two times the percentage by which the cost of such aforementioned criteria of such facility is less than the usual and customary average industrial determination of cost for installation, construction, materials, extension and improvement of real estate, manufacturing facilities, buildings, structures, or facilities, including public facilities. Such entity shall also pay to such company providing such aforementioned service compensation equal to twenty-five percent of the amount of any annual operational costs which are lower than the customary average industry determination of cost for operation for such facility, procedure, or service for a period of time equal to one-fourth the design lifetime of such entity or five years whichever is less;

(12) “Participating lender”, a lender authorized by the board to participate with the board in the making of a loan or to make loans the repayment of which is secured by the development and reserve fund;

(13) “Project”, the purchase, construction, extension, and improvement of real estate, plants, buildings, structures or facilities, whether or not now in existence, used or to be used primarily as a factory, assembly plant, manufacturing plant, fabricating plant, distribution center, warehouse building, office building, port terminal or facility, transportation and transfer facility, industrial plant, processing plant, commercial or agricultural facility, nursing or retirement facility or combination thereof, recreational facility **other than a facility for use by any professional athletic team as defined in section 143.183, RSMo, or by any sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo,** cultural facility, public facilities, job training or other vocational training facility, infrastructure facility, video-audio telecommunication conferencing facility, office building, facility for the prevention, reduction, disposal or control of pollution, sewage or solid waste, facility for conducting export trade activities, or research and development building in connection with any of

the facilities defined as a project in this subdivision. The term "project" shall also include any improvements, including, but not limited to, road or rail construction, alteration or relocation, and construction of facilities to provide utility service for any of the facilities defined as a project under this subdivision, along with any fixtures, equipment, and machinery, and any demolition and relocation expenses used in connection with any such projects and any capital used to promote and facilitate such facilities and notes payable from anticipated revenue issued by any development agency;

(14) "Public facility", any facility or improvements available for use by the general public including facilities for which user or other fees are charged on a nondiscriminatory basis, **but shall not include any facility for use by a professional athletic team as defined in section 143.183, RSMo, or by any sports authority, including but not limited to the sports authorities created under sections 64.920 and 67.650, RSMo.**"

And further amend the title and enacting clause accordingly.

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

Senator Crowell moved that **SS** for **SCS** for **SB 718** be adopted, which motion prevailed.

On motion of Senator Crowell, **SS** for **SCS** for **SB 718** was declared perfected and ordered printed.

Senator Crowell assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 798**; **SS** for **SB 696**; and **SS** for **SB 1066**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 665** and **SB 757**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 665** and **757**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 665 and 757

An Act to repeal sections 252.040 and 252.043, RSMo, and to enact in lieu thereof three new sections relating to poaching, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SBs 665** and **757** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 665 and 757, Page 1, Section 252.038, Line 17, by striking the word "seven"; and

Further amend said section, page 2, line 18, by striking the words "thousand five hundred" and inserting in lieu thereof the following: "**five thousand**".

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Engler, **SB 665** and **SB 757**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Shields moved that **SB 901** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Shields, **SB 901** was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

On behalf of Senator Barnitz and himself, Senator Kennedy introduced to the Senate, Patrick and Marla Dell and Lisa Dudenhoeffer, St. Louis.

Senator Wilson introduced to the Senate, Leaders Rosie Singleton, Irene Watson, Kara Franks, TeAndrea Tombs, Bernadette Lewis, Stephanie Boyd and Scouts Chantel and Viviana

Lewis, Tiffany Martin, Simone Edgers, Stephanie Boyd, Sara Walker, Jewel Stovall and Nanette and Kambri Hall, members of St. James United Methodist Church-Girl Scout Troops.

Senator Graham introduced to the Senate, Head Wrestling Coach Brian Smith and Ben Askren, NCAA Wrestling Champion, University of Missouri, Columbia.

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Marla Tobin, M.D., Warrensburg.

Senator Gross introduced to the Senate, Mike Marino, David Rothman and his son, A.J., and fourth grade students from John Weldon Elementary School, Weldon Springs.

Senator Gibbons introduced to the Senate, fifty-four undergraduate students and their families from the four campuses of the University of Missouri System.

Senator Green introduced to the Senate, Susan Vinson and Arthur Reichardt, parents and seventh grade students from St. Angela Merici Elementary School, Florissant; and Matthew Adams, Dylan Barnes, Kelsey Etter and Mary Ising were made honorary pages.

Senator Scott introduced to the Senate, his

son, Tim, and Randy Jones, Eric Farran, Greg Castor, Nolan Davis, Barbara Bland, Brooke Davis, Lindsay Daniel, Taylor Seitz, Kristen Castor, Brooke Bland and Emily Jones, students and adults from El Dorado Springs School.

Senator Loudon introduced to the Senate, Elana Viviano, Florissant; Meghan Fisher, Hazelwood; and Ruhan Nagra, Chesterfield.

Senator Gross introduced to the Senate, his wife, Leslie, St. Charles.

Senator Goodman introduced to the Senate, Shanna Jelinek, Jacquie Farmer, Jamie Zengotita, Nichole Turner, Bob Jack and Abby Biellier, Lexi Farmer, Morgan Grace, Ethan Hartline, Dakota Jack, Blair Tettenhorst, Whitney Turner, Monica Zengotita and Emily Hesema, fourth grade students from Trinity Lutheran School, Freistatt.

Senator Graham introduced to the Senate, members of the Columbia Chamber of Commerce Leadership Class, Columbia.

Senator Scott introduced to the Senate, his wife, Donna, Lowry City; Brent and Stephanie Woods and their children, Harold and Nikita, Fulton; and Harold and Betty Rosbrugh, Rockville.

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

SENATE CALENDAR

FORTY-NINTH DAY—WEDNESDAY, APRIL 5, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1099
HB 1144-May, et al
HCS for HB 1149

HB 1477-Schaaf
HB 1504-Yates
HB 1577-Pollock, et al

HCS for HBs 1617 & 1374
 HCS for HB 1739
 HCS for HB 1762
 HB 1858-Lipke
 HB 1988-Wagner, et al
 HCS for HB 1053
 HB 1088-Schaaf, et al
 HCS for HB 1135
 HCS for HBs 1382 & 1158
 HB 1411-Smith (150), et al
 HB 1488-Roorda, et al
 HCS for HB 1552

HB 1623-St. Onge, et al
 HB 1653-Walton
 HCS for HB 1679
 HCS#2 for HB 1703
 HB 1707-Dusenberg, et al
 HCS for HB 1710
 HCS for HB 1711
 HCS for HB 1746
 HCS for HB 1787
 HB 1936-Tilley
 HCS for HB 1511

THIRD READING OF SENATE BILLS

SS for SCS for SBs 613, 1030 &
 899-Engler
 SB 1037-Mayer
 SCS for SB 1064-Stouffer
 SS for SCS for SB 894-Nodler

SCS for SRB 848-Bartle
 SB 780-Klindt
 SCS for SB 798-Nodler
 SS for SB 696-Nodler
 SS for SB 1066-Klindt

SENATE BILLS FOR PERFECTION

1. SB 882-Engler, with SCS
2. SB 1072-Loudon
3. SB 642-Scott
4. SB 841-Ridgeway, et al, with SCS
5. SB 895-Engler, with SCS
6. SB 1081-Clemens, with SCS
7. SB 912-Goodman, et al, with SCS
8. SJR 31-Ridgeway and Shields
9. SB 1049-Shields, with SCS
10. SB 1041-Gibbons, with SCS
11. SB 1058-Loudon
12. SB 969-Stouffer, with SCS
13. SB 1103-Goodman
14. SB 788-Klindt, with SCS
15. SB 1188-Gibbons
16. SB 1236-Engler, with SCS
17. SB 904-Griesheimer, with SCS
18. SB 1102-Alter

19. SB 924-Klindt, with SCS
20. SB 874-Shields, et al
21. SB 913-Vogel, with SCS
22. SB 1229-Champion, et al, with SCS
23. SBs 567 & 792-Dougherty, et al, with SCS
24. SB 770-Mayer and Crowell
25. SB 1023-Gibbons, et al
26. SB 1222-Goodman, with SCS
27. SB 1038-Mayer
28. SB 862-Engler, with SCS
29. SB 736-Crowell and Cauthorn, with SCS
30. SB 1114-Goodman & Loudon, with SCS
31. SBs 1239 & 1091-Gibbons, with SCS
32. SBs 1210, 1244 & 844-Koster, et al,
 with SCS
33. SB 961-Ridgeway, with SCS
34. SB 1027-Mayer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS	SB 849-Mayer, et al, with SS, SA 6 &
SB 617-Koster, with SCS	SA 1 to SA 6 (pending)
SB 635-Cauthorn	SB 953-Engler, et al, with SCS
SB 637-Cauthorn, et al, with SCS & SA 3	SB 976-Gibbons, with SCS
(pending)	SBs 1014 & 730-Scott and Gibbons,
SBs 665 & 757-Engler, with SCS & SA 1	with SCS, SS for SCS, SA 1 & SSA 3
(pending)	for SA 1 (pending)
SB 816-Griesheimer and Coleman,	SBs 1031 & 846-Klindt,
with SCS & SS#2 for SCS (pending)	with SCS
SB 817-Scott, et al	SB 1104-Cauthorn and Klindt,
SB 820-Koster, with SCS	with SCS
SB 832-Griesheimer, with SCS,	SJR 26-Ridgeway and Graham
SS for SCS & SA 1 (pending)	

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS
SCR 28-Days
SCR 29-Graham

SCR 32-Days
SCR 31-Purgason, et al
SR 2363-Gross

To be Referred

HCR 4-Bruns

HCR 25-Bowman, et al

MISCELLANEOUS

REMONSTRANCE 1-Gross

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