Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY—TUESDAY, MAY 15, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Peace of mind comes when your life is in harmony with true principles and values and in no other way." (Stephen Covey)

Merciful Father, there are many challenges and actions that are required of us this day and every day and we desire that what we do and decide will come from those principles and values that we hold as most important. We pray for peace of mind that comes from Your strength to remain faithful and the actions we take are in keeping with Your teachings. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 1361, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Thompson, Hamilton, which was adopted.

Senator Clemens offered Senate Resolution No. 1362, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Lewis, Nixa, which was adopted.

Senator Shields offered Senate Resolution No. 1363, regarding Mitchell Logan Myers, St. Joseph, which was adopted.

Senator Crowell offered Senate Resolution No. 1364, regarding Rachel Bequette, Marquand, which was adopted.

Senator Crowell offered Senate Resolution

No. 1365, regarding Denise Schnurbusch, which was adopted.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 577**, as amended. Representatives: Schaaf, Hunter, Sater, Page and Talboy.

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 **SS** for **SCS** for **SB 22**, entitled:

An Act to repeal sections 41.655, 50.327, 50.332, 50.565, 50.660, 52.290, 52.312, 52.315, 52.317, 58.500, 58.510, 64.940, 66.010, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.1461, 67.1545, 67.2500, 67.2510, 67.2555, 70.220, 70.515, 70.545, 71.011, 71.012, 72.080, 77.020, 78.610, 79.050, 84.330, 87.006, 88.832, 89.010, 89.400, 94.660, 94.870, 94.875, 99.847, 100.050, 100.059, 105.452, 105.971, 110.130, 110.140, 110.150, 137.055, 137.100, 137.115, 141.150, 141.640, 144.030, 144.062, 162.431, 163.011, 182.015, 190.052, 190.305, 206.090, 226.527, 228.110, 238.202, 238.207, 238.208, 238.225, 238.230, 238.275, 247.060, 260.830, 260.831, 302.010, 320.106, 320.146, 320.200, 320.271, 320.310, 321.130, 392.410, 393.705, 393.710, 393.715, 393.720, 393.740, 393.825, 393.829, 393.847, 393.900, 393.933, 409.107, 432.070, 473.743, 479.010, 479.011, 537.035, 650.340, RSMo, section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and section 67.2505 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session, and section 67.2505, as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof one hundred fifty-eight new sections relating to political subdivisions, with penalty provisions and emergency clauses for certain sections.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendment No. 5, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 6, House Substitute Amendment No. 1 for House Amendment No. 6, as amended, House Amendment Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, House Amendment No. 1 to House Amendment No. 23, House Amendment No. 23, as amended, House Amendment Nos. 25, 26, 27, 28, House Amendment No. 1 to House Amendment No. 30, House Amendment No. 30, as amended, House Amendment No. 1 to House Amendment No. 31, House Amendment No. 31, as amended, House Amendment Nos. 33, 35, House Amendment No. 1 to House Amendment No. 36, House Amendment No. 36, as amended, House Amendment Nos. 37, 38, 40, 41, 42, House

Amendment No. 1 to House Amendment No. 43, House Amendment No. 43, as amended, House Amendment Nos. 44, 45, House Amendment No. 1 to House Amendment No. 46, House Amendment No. 2 to House Amendment No. 46, House Amendment No. 46, as amended, House Amendment Nos. 47, 48, 49 and 50.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No.1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Lines 8 and 9 by deleting all of said lines and inserting in lieu thereof the following:

"Further amend said Substitute, Section 67.319 by deleting all of said section; and"

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 52.312, Page 8, Line 5, by inserting an opening bracket "**[**" between the words "counties of" and by inserting a closing bracket "**]**" after the word "classification"; and,

Further amend said Substitute, Section 66.010, Page 12, Line 1, by inserting an opening bracket "**[**" before the word "first" and by inserting a closing bracket "**]**" after the word "class"; and,

Further amend said Substitute, Section 67.319, Page 17, Line 39, by deleting "**organization**" and inserting in lieu thereof "**organizations**"; and,

Further amend said Section and Page, Line 61, by inserting the word "**a**" before "**place**"; and,

Further amend said Substitute, Section 67.997, Page 26, Line 32, by deleting the words "**administered by the department of revenue**"; and,

Further amend said Substitute, Section 67.1016, Page 31, Line 4, by deleting the word "**cent**" and inserting in lieu thereof the word "**percent**"; and,

Further amend said Substitute, Section 87.006, Page 75, Line 8, by inserting the word "**the**" before the word "line"; and,

Further amend said Substitute, Section 110.130, Page 94, Line 2, by deleting "**for**" and inserting in lieu thereof "**in**"; and,

Further amend said Substitute, Section 182.015, Page 124, Lines 81-82, by deleting the words "**The ballot of submission shall be in substantially the same form as provided in subdivision (4) of this subsection.**"; and,

Further amend said Substitute, Section 320.310, Page 169, Lines 11, 15, and 17, by inserting the word "**protection**" between the words "**fire association**"; and,

Further amend said Substitute, Section 321.162, Page 171, Line 15, by inserting the word "**protection**" between the words "**fire district**"; and,

Further amend said Substitute, Section 321.688, Page 171, Line 1, by deleting the words "**fire district**" and inserting in lieu thereof the words "**fire protection districts**"; and,

Further amend said Section and Page, Line 9, by deleting the word "**district**" and inserting in lieu thereof the word "**districts**"; and,

Further amend said Substitute, Section 393.715, Page 178, Line 62, by deleting "**10**" and inserting in lieu thereof "**X**"; and,

Further amend said Substitute, Section 393.900, Page 183, Line 30, by deleting the word "**curring**" and inserting in lieu thereof the word "**curing**"; and,

Further amend said Section and Page, Line 31, by deleting the word "**sewer**" and inserting in lieu thereof the word "**water**"; and,

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Line 3, by inserting after "and," the following:

Further amend said Substitute, Section 79.050, Page 75, Line 29, by inserting the following after all of said line:

"79.495. **1.** The county governing body of any county in which a city of the fourth class is located shall have the power to disincorporate such city upon petition of two-thirds of the voters of such city, without an election in such city, provided that the petition requests disincorporation without an election, and provided that the population of such city is less than one hundred.

2. Upon the application of any person or persons owning a tract of land containing five acres or more in a city of the fourth class with a population less than one hundred in any county, the governing body of such county may, in its discretion, diminish the limits of such city by excluding any such tract of land from said corporate limits without an election in such city; provided that such application shall be accompanied by a petition asking for such change without an election and signed by a majority of the registered voters in such city and to the extent there are no such registered voters available in such city, then such petition shall be signed by the parties owning a majority of the land area to be excluded from such city limits. Thereafter, such tract of land so excluded shall not be deemed or held to be any part of such city. ";and"; and,

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 78.610, Pages 73-74, Lines 1-27, by deleting said section from the substitute; and,

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

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Line 2 by inserting immediately after "No. 22" the following:

"238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if any persons eligible to be registered voters reside within the district the following procedures shall be followed:

(1) After the district has been declared organized, the court shall upon petition of any interested person order the county clerk to cause an election to be held in all areas of the district within one hundred twenty days after the order establishing the district, to elect the district board of directors which shall be not less than five nor more than fifteen;

(2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and shall file with the election authority of such county a statement under oath that he or she possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have his or her name placed on the ballot as a candidate for director;

(3) The director or directors to be elected shall be elected at large. The candidate receiving the most votes from qualified voters shall be elected to the position having the longest term, the second highest total votes elected to the position having the next longest term, and so forth. Each initial director shall serve the one-, two- or three-year

term to which he or she was elected, and until a successor is duly elected and qualified. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification; and

(4) Each director shall be a resident of the district. Directors shall be registered voters at least twenty-one years of age.

2. Notwithstanding anything to the contrary contained in section 238.216, if no persons eligible to be registered voters reside within the district, the following procedures shall apply:

(1) Within thirty days after the district has been declared organized, the circuit clerk of the county in which the petition was filed shall, upon giving notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, call a meeting of the owners of real property within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of not less than five and not more than fifteen directors, to be composed of owners or representatives of owners of real property in the district; provided that, if all the owners of property in the district joined in the petition for formation of the district, such meeting may be called by order of the court without further publication**. For the purposes of determining board membership, the owner or owners of real property within the district and their legally authorized representative or representatives shall be deemed to be residents of the district; for business organizations and other entities owning real property within the district, the individual or individuals legally authorized to represent the business organizations or entities in regard to the district shall be deemed to be a resident of the district**;

(2) The property owners, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election. At the election, each acre of real property within the district shall represent one share, and each owner may have one vote in person or by proxy for every acre of real property owned by such person within the district;

(3) The one-third of the initial board members receiving the most votes shall be elected to positions having a term of three years. The one-third of initial board members receiving the next highest number of votes shall be elected to positions having a term of two years. The lowest one-third of initial board members receiving sufficient votes shall be elected to positions having a term of one year. Each initial director shall serve the term to which he or she was elected, and until a successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the real property owners called by the board. Each successor director shall serve a three-year term. The directors shall nominate and elect an interim director to complete any unexpired term of a director caused by resignation or disqualification;

(4) Directors shall be at least twenty-one years of age.

3. Notwithstanding any provision of section 238.216 and this section to the contrary, if the petition for formation of the district was filed pursuant to subsection 5 of section 238.207, the following procedures shall be followed:

(1) If the district is comprised of four or more local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the district. If the district is comprised of two or three local transportation authorities, the board of directors shall consist of the presiding officer of each local transportation authority within the

district and one person designated by the governing body of each local transportation authority within the district;

(2) Each director shall be at least twenty-one years of age and a resident or property owner of the local transportation authority the director represents. A director designated by the governing body of a local transportation authority may be removed by such governing body at any time with or without cause; and

(3) Upon the assumption of office of a new presiding officer of a local transportation authority, such individual shall automatically succeed his predecessor as a member of the board of directors. Upon the removal, resignation or disqualification of a director designated by the governing body of a local transportation authority, such governing body shall designate a successor director.

4. The commission shall appoint one or more advisors to the board, who shall have no vote but shall have the authority to participate in all board meetings and discussions, whether open or closed, and shall have access to all records of the district and its board of directors.

5. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the local transportation authority that will assume maintenance of the project shall appoint one or more advisors to the board of directors who shall have the same rights as advisors appointed by the commission.

6. Any county or counties located wholly or partially within the district which is not a "local transportation authority" pursuant to subdivision (4) of subsection 1 of section 238.202 may appoint one or more advisors to the board who shall have the same rights as advisors appointed by the commission."; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 2, Page 191, Line 22, by inserting the following after all of said line:

"**Section 3. In each transportation development district in which a sales tax has been imposed or increased under section 238.235, every retailer shall prominently display the rate of the sales tax imposed or increased at the cash register area.**"; and,

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 71.515, Page 1, Line 10, by inserting immediately after the word "county" the following:

"**, any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants,**"; and,

Further amend said Amendment, Section 250.140, Page 2, Line 28, by inserting immediately after the word "county" the following:

"**, any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants,**"; and,

Further amend said Line, by deleting "**and**" and inserting in lieu thereof "**or**"; and,

Further amend said Amendment, Section 250.142, Page 3, Line 9, by inserting immediately after the word "county" the following:

"**, any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three**

hundred inhabitants,"; and,

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 71.012, Page 71, Line 68, by inserting the following after all of said line:

"**71.515. 1. No city, town, or village in this state supplying an occupant of a premises utility services shall hold an owner of such premises liable for the delinquent payment of such utilities of the occupant, unless the owner is the occupant. Such city, town, or village rendering such utility services may sue the occupant that received such services in such premises in a civil suit to recover any sums owed for such services, plus a reasonable attorney's fee to be fixed by the court.**

2. This section shall not apply to any city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county."; and

Further amend said Substitute, Section 247.060, Page 161, Line 28, by inserting the following after all of said line:

"250.140. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to **[**both**]** the occupant **[**and owner**]** of the premises receiving such service and**[**, except as otherwise provided in subsection 2 of this section,**]** the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, rendering such services shall have power to sue the occupant **[**or owner, or both,**]** of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, for such services, plus a reasonable attorney's fee to be fixed by the court.

2. **[**When the occupant is delinquent in payment for thirty days, the city, town, village, sewer district, or water supply district shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service; provided, however, that in any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county, until January 1, 2007, when an occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums due for more than one hundred twenty days of service, and after January 1, 2007, when an occupant is delinquent more than ninety days the owner shall not be liable for sums due for more than ninety days. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.

3. The provisions of this section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses.

4.**]** Notwithstanding any other provision of law to the contrary, any water provider who terminates service due to delinquency of payment by a consumer shall not be liable for any civil or criminal damages.

[5.**]** **3.** The provisions of this section shall not apply to unapplied-for utility services. As used in this subsection, "unapplied-for utility services" means services requiring application by the property owner and acceptance of such application by the utility prior to the establishment of an

account. The property owner is billed directly for the services provided, and as a result, any delinquent payment of a bill becomes the responsibility of the property owner rather than the occupant.

4. This section shall not apply to any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county.

250.142. 1. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided in subsection 2 of this section, the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the city, town, village, or sewer district or water supply district organized and incorporated under chapter 247, RSMo, for such services, plus a reasonable attorney's fee to be fixed by the court.

2. When the occupant is delinquent in payment for thirty days, the city, town, village, sewer district, or water supply district shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this section to the contrary, when an occupant is delinquent more than ninety days, the owner shall not be liable for sums due for more than ninety days of service. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.

3. The provisions of this section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses.

4. Notwithstanding any other provision of law to the contrary, any water provider who terminates service due to delinquency of payment by a consumer shall not be liable for any civil or criminal damages.

5. The provisions of this section shall not apply to unapplied-for utility services. As used in this subsection, "unapplied-for utility services" means services requiring application by the property owner and acceptance of such application by the utility prior to the establishment of an account. The property owner is billed directly for the services provided, and as a result, any delinquent payment of a bill becomes the responsibility of the property owner rather than the occupant.

6. This section shall only apply to any city not within a county and any home rule city with more than four hundred thousand inhabitants and located in more than one county."; and,

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 162.431, Page 115, Line 21, by inserting an opening bracket "**[**" and a closing bracket "**]**" around the word "and"; and,

Further amend said Section, Page 116, Line 23, by inserting immediately after the word "adjustment" the following:

"**; and**

(4) If the potential receiving district obtained a score consistent with the criteria for classification of the district as "accredited" on its most recent annual performance report and the potential sending district obtained a score

consistent with the criteria for classification of the district as "unaccredited" on its most recent annual performance report, the board shall approve the proposed boundary change for the educational well-being of the children enrolled in the potential sending district"; and,

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

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 6

Amend House Substitute Amendment No. 1 for House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 15, Section 67.110, by inserting after all of said section the following:

"**67.112. The revenue derived from any increase in any tax within any tax increment financing district shall be used solely for the specified purposes of the tax increase. In no event shall any such revenue be used for or diverted to any redevelopment plan or project in any tax increment financing district.**"; and

Further amend said Bill, Page 87, Section 94.950, by inserting after all of said section the following:

"99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) **[**"Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;**] "Blighted area", any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:**

(a) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of four or more of the following factors, each of which is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the real property tax increment allocation redevelopment act and reasonably distributed throughout the improved part of the redevelopment project area:

a. Dilapidation. "Dilapidation" means an advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed;

b. Obsolescence. "Obsolescence" means the condition or process of falling into disuse; structures have become ill-suited for the original use;

c. Deterioration. "Deterioration" means with respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas show deterioration, including but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces;

d. Presence of structures below minimum

code standards. "Presence of structures below minimum code standards" means all structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes;

e. Illegal use of individual structures. "Illegal use of individual structures" means the use of structures in violation of applicable federal, state, or local laws, exclusive of those applicable to the presence of structures below minimum code standards;

f. Excessive vacancies. "Excessive vacancies" means the presence of buildings that are unoccupied or under-used and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies;

g. Lack of ventilation, light, or sanitary facilities. "Lack of ventilation, light, or sanitary facilities" means the absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building;

h. Inadequate utilities. "Inadequate utilities" means underground and overhead utilities such as storm sewers, storm drainage, sanitary sewers, waterlines, gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are:

(i) Of insufficient capacity to serve the uses in the redevelopment project area;

(ii) Deteriorated, antiquated, obsolete, or in disrepair; or

(iii) Lacking within the redevelopment project area;

i. Excessive land coverage and overcrowding of structures and community facilities. "Excessive land coverage and overcrowding of structures and community facilities" means the over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are:

(i) The presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety; and

(ii) The presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings; increased threat of spread of fire due to the close proximity of buildings; lack of adequate or proper access to a public right-of-way; lack of reasonably required off-street parking; or inadequate provision for loading and service;

j. Deleterious land use or layout. "Deleterious land use or layout" means the existence of incompatible land use relationships, buildings occupied by inappropriate mixed uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area;

k. Environmental clean-up. "Environmental clean-up" means the proposed redevelopment project area has incurred division of environmental quality of the

department of natural resources or United States Environmental Protection Agency (EPA) remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

l. Lack of community planning. "Lack of community planning" means the proposed redevelopment project area was developed before or without the benefit or guidance of a community plan, or before the adoption by the municipality of a comprehensive or other community plan or the plan was not followed at the time of the area's development. This factor shall be documented by evidence of adverse or incompatible land use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning;

m. The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years before the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years before the year in which the redevelopment project area is designated;

(b) If vacant, the growth of the redevelopment project area is impaired by a combination of two or more of the following factors, each of which is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the real property tax increment allocation redevelopment act and reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

a. Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities;

b. Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development;

c. Tax and special assessment delinquencies exist or the property has been the subject of tax sales under Missouri property tax laws within the last five years;

d. Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land;

e. The area has incurred division of environmental quality of the department of natural resources or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or

federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

f. The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years before the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years before the year in which the redevelopment project area is designated;

(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;**]** **"Conservation area", any improved area within the boundaries of a redevelopment project area located within the territorial limits of the 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 because of a combination of three or more of the following factors is detrimental to the public safety, health, morals, or welfare and such an area may become a blighted area:**

(a) Dilapidation. "Dilapidation" means an advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed;

(b) Obsolescence. "Obsolescence" means the condition or process of falling into disuse; structures have become ill-suited for the original use;

(c) Deterioration. "Deterioration" means with respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters, downspouts, and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas show deterioration, including but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces;

(d) Presence of structures below minimum code standards. "Presence of structures below minimum code standards" means all structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but

not including housing and property maintenance codes;

(e) Illegal use of individual structures. "Illegal use of individual structures" means the use of structures in violation of applicable federal, state, or local laws, exclusive of those applicable to the presence of structures below minimum code standards;

(f) Excessive vacancies. "Excessive vacancies" means the presence of buildings that are unoccupied or under-used and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies;

(g) Lack of ventilation, light, or sanitary facilities. "Lack of ventilation, light, or sanitary facilities" means the absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building;

(h) Inadequate utilities. "Inadequate utilities" means underground and overhead utilities such as storm sewers, storm drainage, sanitary sewers, waterlines, gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are:

a. Of insufficient capacity to serve the uses in the redevelopment project area;

b. Deteriorated, antiquated, obsolete, or in disrepair; or

c. Lacking within the redevelopment project area;

(i) Excessive land coverage and overcrowding of structures and community facilities. "Excessive land coverage and overcrowding of structures and community facilities" means the over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety, or the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions:

a. Insufficient provision for light and air within or around buildings;

b. Increased threat of spread of fire due to the close proximity of buildings;

c. Lack of adequate or proper access to a public right-of-way;

d. Lack of reasonably required off-street parking; or

e. Inadequate provision for loading and service;

(j) Deleterious land use or layout. "Deleterious land use or layout" means the existence of incompatible land use relationships, buildings occupied by inappropriate mixed uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area;

(k) Lack of community planning. "Lack of community planning" means the proposed redevelopment project area was developed before or without the benefit or guidance of a community plan, or the development occurred

before the adoption by the municipality of a comprehensive or other community plan or the plan was not followed at the time of the area's development. This factor shall be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning;

(l) The area has incurred division of environmental quality of the department of natural resources or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

(m) The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years for which information is available;

(4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800,

RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(8) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(9) "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(10) "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(11) "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

(12) "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

(13) "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

(14) "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) **Extraordinary** professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. **Extraordinary professional**

service costs shall only include costs required under the real property tax increment allocation redevelopment act. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(15) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

(16) "Taxing districts", any political subdivision of this state having the power to levy taxes;

(17) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

(18) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

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, **noting conditions and contingencies, if any,** 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, 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. **In the event that, within ten days after the passage of a municipal or county ordinance adopting a redevelopment plan, the appropriate local election authority receives a notice, signed by not less than one hundred registered voters of the municipality or county, stating the intention of such registered voters to cause a petition to be circulated to resubmit any such ordinance to a second vote by the municipal or county governing body, the ordinance shall not take effect as otherwise provided. In the event that, within forty days after the passage of a municipal or county ordinance adopting a redevelopment plan, the appropriate local election authority receives a petition, signed by a number of registered voters equal to at least ten percent of the number of total votes cast in such subdivision in the most recent mayoral or county commissioner election, requesting that approval of the redevelopment plan be resubmitted to the municipal or county governing body for a second vote, the municipal or county governing body shall vote again on the adoption of the redevelopment plan. No such plan shall become effective unless and until it receives the favorable vote of two-thirds of all the members of the governing body.**

3. 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.

99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district

receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing

body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

4. If the commission makes a negative recommendation to the governing body regarding a redevelopment plan, redevelopment project, designation of redevelopment area, or amendments thereto, then such plan, project, designation, or amendment shall not be adopted except by a favorable vote of two-thirds of all the members of the governing body."; and

Further amend said Bill, Page 87, Section 99.847, Line 3, by inserting immediately following the word "as" the following: "**a one hundred year**"; and

Further amend said bill, Page 87, Section 99.847 by inserting after all of said section the following:

"**99.866. When a tax increment financing project includes residential uses except in central business districts as defined in section 99.918, absent a recommendation to the contrary from commission members representing the affected school board or boards, real property tax levies attributable to the residential portion of the development shall pass through to the school district or districts.**"; and

Further amend said bill, Page 191, Section 2, by inserting after all of said section the following:

"**Section 3. In any home rule city with more than four hundred thousand inhabitants and located in more than one county and any city not within a county, when tax increment financing is used for a project, those receiving the financing must make all good faith efforts to use minority business enterprises or women business enterprises to help complete the project.**"; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, In the Title, Line 12, by inserting after "RSMo," the following:

"and sections 99.820 and 99.825 as truly agreed and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session,"; and

Further amend said bill, Page 2, Section A, Line 10, by inserting after "RSMo," the following:

"and sections 99.820 and 99.825 as truly agreed and finally passed in senate substitute for senate committee substitute for house committee substitute for house bill no. 327, ninety-fourth general assembly, first regular session,"; and

Further amend said bill, Page 15, Section 67.110, Line 49, by inserting after all of said line the following:

"**67.112. The revenue derived from any increase in any tax within any tax increment financing district shall be used solely for the specified purposes of the tax increase. In no event shall any such revenue be used for or diverted to any redevelopment plan or project in any tax increment financing district.**"; and

Further amend said bill, Page 87, Section 94.950, Line 118, by inserting after all of said line the following:

"99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the

area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in

excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) **Effective January 1, 2008, in a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for a first class county with a charter form of government having a population of more than nine hundred thousand, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, six such members appointed either by the county executive or county commissioner, and three such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;**

(8) Effective January 1, 2008, when any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located. In the event such commission votes in opposition to the redevelopment project, such redevelopment project shall not be approved unless at least two-thirds of the governing body of the city, town, or village votes to approve such project;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the

same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

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. 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. **Effective January 1, 2008, if, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall**

do so only upon a two-thirds majority vote of the governing body of such municipality.

3. Tax incremental financing projects within an economic development 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."; and

Further amend said bill, Page 191, Section 58.510, Line 4, by inserting after all of said line the following:

"**[**99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for

use in accordance with a redevelopment plan;

(7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;

(12) Disburse surplus funds from the special allocation fund to taxing districts as follows:

(a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;

(b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;

(c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;

(13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a

redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

(14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

(1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;

(3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;

(4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;

(7) **In a municipality which is in a county under the authority of the East-West Gateway Council of Governments, except any municipality in any**

county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, the municipality shall create a commission in the same manner as the commission for a first class county with a charter form of government having a population of more than nine hundred thousand, such commission shall have twelve members with two such members appointed by the school boards whose districts are included in the county in a manner in which such school boards agree, with one such member to represent all other districts levying ad valorem taxes in a manner in which all such districts agree, three such members appointed either by the county executive or county commissioner, and six such members appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;

(8) When any city, town, or village under the authority of the East-West Gateway Council of Governments desires to implement a tax increment financing project, such city, town, or village shall first obtain the permission of the county tax increment financing commission created in this subsection within which the city, town, or village is located;

(9) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers

enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.**]**

[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. 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. **If, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality.**

3. Tax incremental financing projects within an economic development 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.**]**"; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 92.500, Page 77, Line 5, by deleting the words "**and for**" and inserting in lieu thereof the words "**which operations are defined to include, but not be limited to,**"; and

Further amend said Section, Page 78, Line 17, by deleting the word "**city**" and inserting in lieu thereof the following:

"**city, including hiring more police officers, prosecuting more criminals, nuisance crimes, and problem properties**"; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 191, Section 2, Line 22, by inserting after all of said line the following:

"**Section 3. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in the following described real property owned by the state in Jackson County to the city of Kansas City:**

Parcel # 12-840-27-08-00-0-00-000

JOHNSON'S SUB OF O T LANDS BEG 460 W 185' S NE CE S SW 1/4 SE 1/4 TH SW 250' SE 220' NE 250' NW 220' TO POB

Parcel # 12-840-26-02-00-0-00-000

EAST KANSAS LOT 1 & N 10 FT OF LOT 2 BL K 53

Parcel # 12-840-26-03-00-0-00-000

EAST KANSAS ALL OF LOT 2 (EX N 10') & ALL OF LOT 3 & N 10' OF LOT 4 BLK 53

Section 4. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, and the time, place, and terms of the sale.

Section 5. The attorney general shall approve as to form the instrument of conveyance." ; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 77, Section 89.400, Line 24, by inserting after all of said line the following:

"92.035. 1. Any city having a charter form of government and a population of at least three hundred thousand, but less than six hundred and fifty thousand and located wholly or partially within a county of the first class having a charter form of government, in addition to the levy and imposition of taxes authorized by section 92.030, may, except as otherwise provided in this section, by ordinance, levy or impose a tax not to exceed the rate of ten cents on each one hundred dollars of assessed valuation of real and tangible personal property located within the city. The proceeds of the tax representing a rate of at least three cents on each one hundred dollars of assessed valuation to be used for the operation, improvement or construction expansion of museum facilities in existence on August 13, 1978, and the remaining proceeds of the tax to be used exclusively for the construction, operation, improvement, or expansion of additional facilities for such museum and no other. The word "museum" as used in this section, shall not be construed to mean or include an art gallery **or any facility that was previously used as a railroad terminal or any location adjacent to such former railroad terminal**. General admission to the museum's facility in existence prior to August 13, 1978, shall be free and open to the residents of such city. Before the city shall impose any tax under this section at a rate which exceeds two cents on each one hundred dollars of assessed valuation, the governing body of the city shall submit the proposed tax rate increase to the voters of the city for approval or rejection at an election.

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

Shall there be an increased tax levy of ..... cents on the hundred dollars assessed valuation for museum purposes?

3. If a majority of the votes cast upon the proposal are in favor of the levy increase, the governing body of the city may, by ordinance, impose the additional tax. If a majority of the votes cast upon the proposal are against the levy increase, the governing body of the city shall not impose the increase. Nothing in this section shall prohibit a rejected proposal from being resubmitted to a vote of the voters." ; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 19, Section 67.320, Line 21, by inserting after all of said line the following:

"**67.321. 1. Notwithstanding any other provision of law to the contrary, the governing body of any county or municipality shall have the authority to establish an ordinance to allow patrons' pets, as defined in subdivision (20) of section 266.160, RSMo, except for specialty pets as defined in subdivision (25) of section 266.160, RSMo, within certain designated outdoor portions of public food service establishments.**

2. The governing body shall require from the public food service establishment the following information:

(1) A diagram and description of the outdoor area to be designated as available to patrons' pets, including dimensions of the designated area;

(2) A depiction of the number and placement of tables, chairs, and restaurant equipment;

(3) Entryways and exits to the designated outdoor area;

(4) The boundaries of the designated area and of other areas of outdoor dining not available to patrons' pets;

(5) Any fences or other barriers;

(6) Surrounding property lines and public rights-of-way including sidewalks and common pathways; and

(7) Any other information deemed necessary by the governing body."; and

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

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 74, Section 79.050, Line 20 by inserting after the word "**two**" the words "**, three**"; and

Further amend said Section, Page 75, Line 23 by inserting after the word "**two**" the words "**, three**"; and

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

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 137.115, Page 104, Line 163 by inserting after all of said line and section the following:

"139.055. Any county **or public water supply district** may accept payment by credit card or electronic transfers of funds for any tax**, fee,** or license payable to the county **or district**. A county collector **or district** shall not be required to accept payment by credit card if the credit card bank, processor, or issuer would charge the county **or district** a fee for such payment. However, a county **or district** may accept payment by credit card and charge the person making such payment by credit card a fee equal to the fee charged the county **or district** by the credit card bank, processor, issuer for such payment. A county **or district** may accept payment by electronic transfer of funds in payment of any tax**, fee,** or license and charge the person making such payment a fee equal to the fee charged the county **or district** by the bank, processor, or issuer of such electronic payment."; and

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

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 50.332, Page 5, Line 6, by deleting the opening bracket "**[**"; and,

Further amend said Section and Page, Line 7, by inserting an opening bracket "**[**" before the word "contract"; and

Further amend said Section and Page, Line 9, by inserting the following after the closing bracket "**]**":

"**contract; provided however, that no more than one percent of the contract price may be allowed to the county collector under any such contract and may be retained by the county collector in addition to all other compensation provided by law, and the remainder of the contract price shall be deposited in the county general revenue fund**"; and

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

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, page 152, Section 206.090, Line 38, by inserting after all of said line the following:

"221.515. **1.** Any person designated a jailer

under the provisions of this chapter shall have the power to serve **[**an arrest warrant**] civil process and arrest warrants** on any person who **surrenders himself or herself to the facility under an arrest warrant or** is already an inmate in the custody of the facility in or at which such jailer is employed.

2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.

3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 97, Section 137.092, Line 6, by inserting after the word "**facility**" the following:

"**or any self-service storage facility as defined in section 415.405, RSMo**"; and

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

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 105.452, Page 94, Line 29 by deleting the following "**2. No person shall offer**" and inserting in lieu thereof the following: "**(6) Offer**"; and

Further amend said Page, Line 30 by deleting all of said line and inserting in lieu thereof the following: "**any public office. For purposes of this section, the term "public office" shall mean any elected or appointed office of state, county, or municipal government.**"; and

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

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 113, Section 144.062, Line 13, by striking "**144.030,**" and inserting the following:

"**144.030; or**

(6) After June 30, 2007, the department of transportation or the state highways and transportation commission,"; and

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

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 50.660, Page 7, Line 34, by inserting the following after all of said line:

52.240. **1.** The statement and receipt required by section 52.230 shall be mailed to the address of the taxpayer as shown by the county assessor on the current tax books, and postage for the mailing of the statements and receipts shall be furnished by the county commission. The failure of the taxpayer to receive the notice provided for in section 52.230 in no case relieves the taxpayer of any tax liability **and penalties and interest** imposed on him by law. **However, no penalty and interest, including that found in this chapter and chapters 139 and 140, shall be charged on real property tax when there is clear and convincing evidence that an**

error or omission was made by the county in determining taxes owed by a taxpayer.

2. The county commission shall have the authority to refund penalties, interest and taxes if the county made an error or omission. If a taxpayer believes that an error or omission has occurred and discovers the error or omission after December 31 and the taxpayer has not paid current year taxes owing, the taxpayer shall pay the taxes along with any penalties or interest due and owing. The taxpayer may then submit a request for a refund of penalties, interest or taxes, in writing, to the county commission. If the county commission approves the refund of penalties, interest or taxes then such refunds approved by the county commission shall be handled under section 139.031(5)."; and,

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

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Pages 105 through 113, Section 144.030, Line 280, by inserting after all of said line the following:

"**(41) Sales of textbooks, as defined by section 170.051, RSMo, when such textbook is purchased for use by a person at any Missouri public or private university, college, or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities, or sciences or in a professional, vocational, or technical field, provided that the books which are exempt from state and local sales and use tax are those required or recommended for a class. Upon request, the institution or department shall provide at least one list of textbooks to the bookstore each semester.**"; and

Further amend said bill, Page 191, Section 105.971, by inserting after all of said section the following:

"**[**144.517. In addition to the exemptions granted pursuant to section 144.030, there shall also be exempted from state sales and use taxes all sales of textbooks, as defined by section 170.051, RSMo, when such textbook is purchased by a student who possesses proof of current enrollment at any Missouri public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field, provided that the books which are exempt from state sales tax are those required or recommended for a class. Upon request the institution or department must provide at least one list of textbooks to the bookstore each semester. Alternately, the student may provide to the bookstore a list from the instructor, department or institution of his or her required or recommended textbooks. This exemption shall not apply to any locally imposed sales or use tax.**]**"; and

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

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 75, Section 79.050, Line 29 by inserting after said line the following:

"82.020. Any city or town under special charter, as defined in Section 81.010, RSMo, and any other city in this state which now has or which may hereafter have a population of more than **[**ten**]** **five** thousand inhabitants according to the last preceding federal decennial census may frame and adopt or amend a charter for its own government by complying with the provisions of Sections 19 and 20 of article VI of the constitution of this state, or any amendments thereof."; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 23

Amend House Amendment No. 23 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 3, Section 67.457, Line 14, by deleting after the word "percent." all of the following:

"Any neighborhood improvement district in existence prior to August 28, 2007, where two-thirds of the property located in such district was owned by a single person, corporation, or limited liability partnership shall be nullified. Any remaining indebtedness resulting from the issuance of bonds to fund the improvements within the neighborhood improvement district shall revert to the governing body of the city or county."; and

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

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.410, Page 22, Line 120, by inserting the following after all of said line:

"67.457. 1. To establish a neighborhood improvement district, the governing body of any city or county shall comply with either of the procedures described in subsection 2 or 3 of this section.

2. The governing body of any city or county proposing to create a neighborhood improvement district may by resolution submit the question of creating such district to all qualified voters residing within such district at a general or special election called for that purpose. Such resolution shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, and the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full. The governing body of the city or county may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county under article VI, section 26 of the constitution of this state. The notice of election containing the question of creating a neighborhood improvement district shall contain the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and a statement that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such notice, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such notice, by more than twenty-five percent. The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall ..... (name of city or county) be

authorized to create a neighborhood improvement district proposed for the ..... (project name for the proposed improvement) and incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the governing body of the ..... (city or county) on the real property benefited by such improvements for a period of ..... years, and, if included in the resolution, an assessment in each year thereafter with the proceeds thereof used solely for maintenance of the improvement?

3. As an alternative to the procedure described in subsection 2 of this section, the governing body of a city or county may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two-thirds by area of all real property located within such proposed district. **Each owner of record of real property located in the proposed district is allowed one signature. Any person, corporation, or limited liability partnership owning more than one parcel of land located in such proposed district shall be allowed only one signature on such petition.** The petition, in order to become effective, shall be filed with the city clerk or county clerk. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year during the term of the bonds issued for the original improvement and after such bonds are paid in full, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the city clerk or county clerk, and a notice that the final cost of such improvement assessed against real property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent, and that the annual assessment for maintenance costs of the improvements shall not exceed the estimated annual maintenance cost, as stated in such petition, by more than twenty-five percent. **Any neighborhood improvement district in existence prior to August 28, 2007, where two-thirds of the property located in such district was owned by a single person, corporation, or limited liability partnership shall be nullified. Any remaining indebtedness resulting from the issuance of bonds to fund the improvements within the neighborhood improvement district shall revert to the governing body of the city or county.**

4. Upon receiving the requisite voter approval at an election or upon the filing of a proper petition with the city clerk or county clerk, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the district be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the neighborhood improvement district to be assessed, the proposed method or methods of assessment of real property within the district, including any provision for the annual assessment of maintenance costs of the improvement in each year after the bonds issued for the original improvement are paid in full, and shall also state that the final cost of such improvement assessed against the real property within the neighborhood improvement district and the amount of general obligation bonds issued therefor shall not, without a new election or petition, exceed the estimated cost of such improvement by more than twenty-five percent.

5. The boundaries of the proposed district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the neighborhood improvement district finally determined by the governing body of the city or county to be assessed may be less than, but shall not exceed, the total area comprising such district.

6. In any neighborhood improvement district organized prior to August 28, 1994, an assessment may be levied and collected after the original period approved for assessment of property within the district has expired, with the proceeds thereof used solely for maintenance of the improvement, if the residents of the neighborhood improvement district either vote to assess real property within the district for the maintenance costs in the manner prescribed in subsection 2 of this section or if the owners of two-thirds of the area of all real property located within the district sign a petition for such purpose in the same manner as prescribed in subsection 3 of this section."; and,

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

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 94, Section 105.452, Line 30, by inserting after all of said line the following:

"108.170. 1. Notwithstanding any other provisions of any law or charter to the contrary, any issue of bonds, notes, or other evidences of indebtedness, including bonds, notes, or other evidences of indebtedness payable solely from revenues derived from any revenue-producing facility, hereafter issued under any law of this state by any county, city, town, village, school district, educational institution, drainage district, levee district, nursing home district, hospital district, library district, road district, fire protection district, water supply district, sewer district, housing authority, land clearance for redevelopment authority, special authority created under section 64.920, RSMo, authority created pursuant to the provisions of chapter 238, RSMo, or other municipality, political subdivision or district of this state shall be negotiable, may be issued in bearer form or registered form with or without coupons to evidence interest payable thereon, may be issued in any denomination, and may bear interest at a rate not exceeding ten percent per annum, and may be sold, at any sale, at the best price obtainable, not less than ninety-five percent of the par value thereof, anything in any proceedings heretofore had authorizing such bonds, notes, or other evidence of indebtedness, or in any law of this state or charter provision to the contrary notwithstanding. Such issue of bonds, notes, or other evidence of indebtedness may bear interest at a rate not exceeding fourteen percent per annum if sold at public sale after giving reasonable notice of such sale, at the best price obtainable, not less than ninety-five percent of the par value thereof; provided, that such bonds, notes, or other evidence of indebtedness may be sold to any agency or corporate or other instrumentality of the state of Missouri or of the federal government at private sale at a rate not exceeding fourteen percent per annum.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the sale of bonds, notes, or other evidence of indebtedness issued by the state board of public buildings created under section 8.010, RSMo, the state board of fund commissioners created under section 33.300, RSMo, any port authority created under section 68.010, RSMo, the bi-state metropolitan development district authorized under section 70.370, RSMo, any special business district created under section 71.790, RSMo, any county, as defined in section 108.465, exercising the powers granted by sections 108.450 to 108.470, the industrial development board created under section 100.265, RSMo, any planned industrial expansion authority created under section 100.320, RSMo,

the higher education loan authority created under section 173.360, RSMo, the Missouri housing development commission created under section 215.020, RSMo, the state environmental improvement and energy resources authority created under section 260.010, RSMo, the agricultural and small business development authority created under section 348.020, RSMo, any industrial development corporation created under section 349.035, RSMo, or the health and educational facilities authority created under section 360.020, RSMo, shall, with respect to the sales price, manner of sale and interest rate, be governed by the specific sections applicable to each of these entities.

3. Notwithstanding other provisions of this section or other law, the sale of bonds, notes or other evidence of indebtedness issued by any housing authority created under section 99.040, RSMo, may be sold at any sale, at the best price obtainable, not less than ninety-five percent of the par value thereof, and may bear interest at a rate not exceeding fourteen percent per annum. The sale shall be a public sale unless the issuing jurisdiction adopts a resolution setting forth clear justification why the sale should be a private sale except that private activity bonds may be sold either at public or private sale.

4. Notwithstanding other provisions of this section or law, industrial development revenue bonds may be sold at private sale and bear interest at a rate not exceeding fourteen percent per annum at the best price obtainable, not less than ninety-five percent of the par value thereof.

5. Notwithstanding other provisions in subsection 1 of this section to the contrary, revenue bonds issued for airport purposes by any constitutional charter city in this state which now has or may hereafter acquire a population of more than three hundred thousand but less than six hundred thousand inhabitants, according to the last federal decennial census, may bear interest at a rate not exceeding fourteen percent per annum if sold at public sale after giving reasonable notice, at the best price obtainable, not less than ninety-five percent of the par value thereof.

6. For purposes of the interest rate limitations set forth in this section, the interest rate on bonds, notes or other evidence of indebtedness described in this section means the rate at which the present value of the debt service payments on an issue of bonds, notes or other evidence of indebtedness, discounted to the date of issuance, equals the original price at which such bonds, notes or other evidence of indebtedness are sold by the issuer. Interest on bonds, notes or other evidence of indebtedness may be paid periodically at such times as shall be determined by the governing body of the issuer and may be compounded in accordance with section 408.080, RSMo.

7. Notwithstanding any provision of law or charter to the contrary:

(1) Any entity referenced in subsection 1 or 2 of this section and any other political corporation of the state which entity or political corporation has an annual operating budget for the current year exceeding twenty-five million dollars may, in connection with managing the cost to such entity or political corporation of purchasing fuel, electricity, natural gas, and other commodities used in the ordinary course of its lawful operations, enter into agreements providing for fixing the cost of such commodity, including without limitation agreements commonly referred to as hedges, futures, and options; provided that as of the date of such agreement, such entity or political corporation shall have complied with subdivision (3) of this subsection; and further provided that no eligible school, as defined in section 393.310, RSMo, shall be authorized by this subsection to enter into such agreements in connection with the purchase of natural gas while the tariffs required under section 393.310, RSMo, are in effect;

(2) Any entity referenced in subsection 1 or

2 of this section and any other political corporation of the state may, in connection with its bonds, notes, or other obligations then outstanding or to be issued and bearing interest at a fixed or variable rate, enter into agreements providing for payments based on levels of or changes in interest rates, including without limitation certain derivative agreements commonly referred to as interest rate swaps, hedges, caps, floors, and collars, provided that:

(a) As of the date of issuance of the bonds, notes, or other obligations to which such agreement relates, such entity or political corporation will have bonds, notes, or other obligations outstanding in an aggregate principal amount of at least fifty million dollars; and

(b) As of the date of such agreement, such entity's or political corporation's bonds, notes, or other obligations then outstanding or to be issued have received a stand-alone credit rating in one of the two highest categories, without regard to any gradation within such categories, from at least one nationally recognized credit rating agency, or such entity or political corporation has an issuer or general credit rating, in one of the two highest categories, without regard to any gradation within such categories, from at least one nationally recognized credit rating agency; and

(c) As of the date of such agreement, such entity or political corporation shall have complied with subdivision (3) of this subsection;

(3) Prior to entering into any agreements pursuant to subdivision (1) or (2) of this subsection, the governing body of the entity or political corporations entering into such agreements shall have adopted a written policy governing such agreements. Such policy shall be prepared by integrating the recommended practices published by the Government Finance Officers Association or comparable nationally recognized professional organization and shall provide guidance with respect to the permitted purposes, authorization process, mitigation of risk factors, ongoing oversight responsibilities, market disclosure, financial strategy, and any other factors in connection with such agreements determined to be relevant by the governing body of such entity or political corporation. Such entity or political corporation may enter into such agreements at such times and such agreements may contain such payment, security, default, remedy, and other terms and conditions as shall be consistent with the written policy adopted under this subdivision and as may be approved by the governing body of such entity or other obligated party, including any rating by any nationally recognized rating agency and any other criteria as may be appropriate;

(4) Nothing in this subsection shall be applied or interpreted to authorize any such entity or political corporation to enter into any such agreement for investment purposes or to diminish or alter the special or general power any such entity or political corporation may otherwise have under any other provisions of law including the special or general power of any interstate transportation authority."; and

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

HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 137.092, Page 97, Line 13, by inserting immediately after the word "**facility**" the following:

"**if the owner of the rental or leasing facility knows of or has been made aware of the nature of such personal property**"; and,

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

accordingly.

HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 7, Section 50.660, by inserting after all of said section the following:

"50.1250. 1. If a member has less than five years of creditable service upon termination of employment, the member shall forfeit the portion of his or her defined contribution account attributable to board matching contributions or county matching contributions pursuant to section 50.1230. The proceeds of such forfeiture shall be applied towards matching contributions made by the board for the calendar year in which the forfeiture occurs. If the board does not approve a matching contribution, then forfeitures shall revert to the county employees' retirement fund. The proceeds of such forfeiture with respect to county matching contributions shall be applied toward matching contributions made by the respective county in accordance with rules prescribed by the board.

2. A member shall be eligible to receive a distribution of the member's defined contribution account in such form selected by the member as permitted under and in accordance with the rules and regulations formulated and adopted by the board from time to time, and commencing as soon as administratively feasible following separation from service, unless the member elects to receive the account balance at a later time, but no later than his or her required beginning date. Notwithstanding the foregoing, if the value of a member's defined contribution account balance is **[**five**]** **one** thousand dollars or less at the time of the member's separation from service, without respect to any board-matching contributions or employer-matching contribution which might be allocated following the member's separation from service, then his or her defined contribution account shall be distributed to the member in a single sum as soon as administratively feasible following his or her separation from service. The amount of the distribution shall be the amount determined as of the valuation date described in section 50.1240, if the member has at least five years of creditable service. If the member has less than five years of creditable service upon his or her separation from service, then the amount of the distribution shall equal the portion of the member's defined contribution account attributable to the member's seed contributions pursuant to section 50.1220, if any, determined as of the valuation date.

3. If the member dies before receiving the member's account balance, the member's designated beneficiary shall receive the member's defined contribution account balance, as determined as of the immediately preceding valuation date, in a single sum. The member's beneficiary shall be his or her spouse, if married, or his or her estate, if not married, unless the member designates an alternative beneficiary in accordance with procedures established by the board."; and

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

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 96, Section 110.150, Line 23, by inserting after all of said line the following:

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

(1) "Made in America", manufactured or produced within the United States of America or, if premanufactured, having a fair market value at least seventy percent of which results from domestic labor and materials;

(2) "Storm shelter", an above-ground safe room or an in-ground shelter in or near the taxpayer's primary residence that protects from

injury or death caused by dangerous and extreme windstorms, that is in compliance with the requirements established in the Federal Emergency Management Agency's Publication 320 or its successor publication in effect at the time the storm shelter was completed, and that is made in America;

(3) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(4) "Taxpayer", any individual subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for the costs incurred in building a storm shelter on or after January 1, 2003. The tax credit amount shall be equal to the lesser of two thousand dollars or fifty percent of the incurred costs. The amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed. No amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall be refundable, nor shall any tax credit granted under this section be transferable.

3. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset."; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 30

Amend House Amendment No. 30 to House Committee Substitute to Senate Substitute to Senate Committee Substitute for Senate Bill No. 22, Page 2, Section 190.528, Line 15 by striking the word "patient" and replacing it with the word "passenger"

HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 190.305, Page 127, Line 57, by inserting the following after all of said line:

"190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or

profess to be engaged in the business or service of the transportation of passengers by stretcher van upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for a stretcher van service issued pursuant to the provisions of sections 190.525 to 190.537 notwithstanding any provisions of chapter 390 or 622, RSMo, to the contrary.

2. Subsection 1 of this section shall not preclude any political subdivision that is authorized to operate a licensed ambulance service from adopting any law, ordinance or regulation governing the operation of stretcher vans that is at least as strict as the minimum state standards, and no such regulations or ordinances shall prohibit stretcher van services that were legally picking up passengers within a political subdivision prior to January 1, 2002, from continuing to operate within that political subdivision and no political subdivision which did not regulate or prohibit stretcher van services as of January 1, 2002, shall implement unreasonable regulations or ordinances to prevent the establishment and operation of such services.

3. In any county with a charter form of government and with more than one million inhabitants, the governing body of the county shall set reasonable standards for all stretcher van services which shall comply with subsection 2 of this section. All such stretcher van services must be licensed by the department. The governing body of such county shall not prohibit a licensed stretcher van service from operating in the county, as long as the stretcher van service meets county standards.

4. Nothing shall preclude the enforcement of any laws, ordinances or regulations of any political subdivision authorized to operate a licensed ambulance service that were in effect prior to August 28, 2001.

5. Stretcher van services may transport passengers.

6. A stretcher van shall be staffed by at least two individuals when transporting passengers.

7. The crew of the stretcher van is required to immediately contact the appropriate ground ambulance service if a passenger's condition deteriorates.

8. **[**Stretcher van services shall not transport patients, persons currently admitted to a hospital or persons being transported to a hospital for admission or emergency treatment.**] Passengers may be transported in a stretcher van provided the patient:**

(1) Needs no medical equipment (except self administered oxygen);

(2) Needs no medical monitoring;

(3) Needs routine transportation to or from a medical appointment or service if that person is convalescent or otherwise non-ambulatory and does not require medical monitoring, aid, care, or treatment during transport.

9. Stretcher van services shall not transport patients currently admitted to a hospital or patients being transported to a hospital for admission or emergency treatment. A stretcher van shall not transport a patient whom:

(1) Is acutely ill, wounded, or medically unstable.

(2) Is experiencing an emergency medical condition as defined in section 190.100, an acute medical condition, an exacerbation of a chronic medical condition, or a sudden illness or injury;

(3) Was administered a medication that might prevent the person from caring for his or her self;

(4) Is a hospital in-patient being transported to another hospital for the purpose of receiving a higher level of medical care;

(5) Is a hospital in-patient being discharged following treatment that could present the possibility of an adverse reaction;

(6) Is being transported to or from medical treatment, including but not limited to dialysis, wound care, and radiation, regardless of whether the treatment facility is a hospital or a freestanding facility.

10. A stretcher van shall always be operated with:

(1) Stretchers and mountings that meet or exceed current manufacturer's KKK-A-1822 specifications at the time of manufacture;

(2) Vehicles specifically designed, manufactured and equipped for use as a stretcher van which meets current Federal safety standards at the date of vehicle manufacture.

[9.**] 11.** The department of health and senior services shall promulgate regulations, including but not limited to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance, vehicle specifications, vehicle communications, passenger safety and records and reports.

[10.**] 12.** The department of health and senior services shall issue service licenses for a period of no more than five years for each service meeting the established rules.

[11.**] 13.** Application for a stretcher van license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.525 to 190.537. The application form shall contain such information as the department deems necessary to make a determination as to whether the stretcher van agency meets all the requirements of sections 190.525 to 190.537 and rules promulgated pursuant to sections 190.525 to 190.537. The department shall conduct an inspection of the stretcher van service to verify compliance with the licensure standards of sections 190.525 to 190.537.

[12.**] 14.** Upon the sale or transfer of any stretcher van service ownership, the owner of the stretcher van service shall notify the department of the change in ownership within thirty days prior to the sale or transfer. The department shall conduct an inspection of the stretcher van service to verify compliance with the licensure standards of sections 190.525 to 190.537.

[13.**] 15.** Ambulance services licensed pursuant to this chapter or any rules promulgated by the department of health and senior services pursuant to this chapter may provide stretcher van and wheelchair transportation services pursuant to sections 190.525 to 190.537.

[14.**] 16.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void."; and,

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 31

Amend House Amendment No. 31 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Line 1 by inserting before all of said line the following:

"Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.1360, Page 36, Lines 87 through 92 by deleting all of said lines and inserting in lieu thereof the following:

"fewer than six thousand five hundred inhabitants and located in more than one county"; and

Further".

HOUSE AMENDMENT NO. 31

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.1360, Page 36, Line 117, by inserting the following after all of said line:

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

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

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

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

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

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

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

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

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

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

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

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city, village, incorporated town, or county of this state, or in any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants;

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

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

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety **[**or**]** **,** tenants in partnership**, except that with respect to a condominium created under sections 448.1-101 to 448.4-120,**

RSMo, "per capita" means one head count applied to the applicable unit owners' association and not to each unit owner;

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

(14) "Qualified voters",

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

a. Registered voters; or

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

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

a. Registered voters; or

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

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

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

Further amend said Substitute, Section 67.1461, Page 42, Line 113, by inserting the following after all of said line:

"67.1485. 1. Any district organized as a nonprofit corporation may merge with another district organized as a nonprofit organization. Such merger shall be conducted under the procedures for merger provided in chapter 355, RSMo, and shall not become effective unless:

(1) The boundaries of the merging districts are contiguous;

(2) The articles of merger required under section 355.361, RSMo, contain a legal description of the surviving district corporation;

(3) The term of existence of the surviving district corporation stated in the articles of merger shall be equal to the shortest length of time remaining for existence of either merging district corporation as determined by the applicable ordinances establishing the merging district corporations;

(4) A copy of the articles of merger is sent to the department of economic development.

2. If two district corporations merge under this section, the board of directors of the surviving district corporation may continue to levy special assessments against such tracts, lots, or parcels listed, and in an amount as provided in, a previously authorized petition under section 67.1521, provided that the level of service stated in such petition is not decreased by the surviving district corporation. A new special assessment petition may be submitted to the surviving district corporation and, if stated in the petition, may supersede or replace the previously authorized special assessment petitions.

3. No merger under this section shall be construed to be a petition for termination under

section 67.1481 or to invoke a plan of dissolution as provided in section 67.1481."; and,

Further amend said Substitute, Section 67.1545, Page 43, Line 54, by inserting the following after all of said line:

"67.1561. No lawsuit to set aside a district established, or a special assessment or a tax levied under sections 67.1401 to 67.1571 or to otherwise question the validity of the proceedings related thereto shall be brought after the expiration of ninety days from the effective date of the ordinance establishing such district in question or the effective date of the resolution levying such special assessment or tax in question **or the effective date of a merger of two districts under section 67.1485**."; and,

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

HOUSE AMENDMENT NO. 33

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 154, Section 228.110, by inserting after all of said section the following:

"228.190. 1. All roads in this state that have been established by any order of the county commission, and have been used as public highways for a period of ten years or more, shall be deemed legally established public roads; and all roads that have been used as such by the public for ten years continuously, and upon which there shall have been expended public money or labor for such period, shall be deemed legally established roads; and nonuse by the public for five years continuously of any public road shall be deemed an abandonment and vacation of the same.

2. From and after January 1, 1990, any road in any county that has been identified as a county road for which the county receives allocations of county aid road trust funds from or through the department of transportation for a period of at least five years shall be conclusively deemed to be a public county road without further proof of the status of the road as a public road. No such public road shall be abandoned or vacated except through the actions of the county commission declaring such road vacated after public hearing, or through the process set out in section 228.110.

3. In any litigation where the subject of a public road is at issue under this section, an exact location of the road is not required to be proven. Once the public road is determined to exist, the judge may order a survey to be conducted to determine the exact location of the public road and charge the costs of the survey to the party who asserted that the public road exists."; and

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

HOUSE AMENDMENT NO. 35

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.320, Page 18, Line 7, by deleting the words "**in all subject areas of the county's orders and ordinances**" and inserting in lieu thereof "**, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control**"; and,

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 36

Amend House Amendment No. 36 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 168, Section 320.200, Lines 7 - 11, by deleting all of said lines and inserting in lieu thereof the following:

"(3) **"Fire department", an agency or organization that provides fire suppression and**

related activities, including but not limited to, fire prevention, rescue, emergency medical services, hazardous material response, or special operation to a population within a fixed and legally recorded geographical area. The term "fire department" shall include any municipal fire department or any fire protection district as defined in section 321.010, RSMo, or voluntary fire protection association as defined in section 320.300, engaging in this type of activity."; and

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

HOUSE AMENDMENT NO. 36

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 2, Page 191, Line 22 by inserting immediately after said Line the following:

"**Section 3. 1. In any county of the third classification without a township form of government and with more than thirteen thousand seventy-five but fewer than thirteen thousand one hundred seventy-five inhabitants, the governing body of any fire protection district may impose a sales tax in an amount up to one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, provided that such sales tax shall be accompanied by a reduction in the district's tax rate as defined in section 137.073, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of such fire protection district, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax pursuant to this section.**

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

"Shall.....(insert name of fire protection district) impose a sales tax of .....(insert amount up to one) percent for the purpose of providing revenues for the operation of the .....(insert name of fire protection district) and the total property lax levy on properties in the .....(insert name of the fire protection district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year's revenue collected from this sales tax?

Yes No

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

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the governing body of the fire protection district shall lower the level of its tax rate by an amount which reduces property tax revenues by an amount equal to fifty percent of the amount of sales tax collected in the preceding year. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of such fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. All revenue received by a district from

the tax authorized pursuant to this section shall be deposited in two special trust funds, and be used solely for the purposes specified in the proposal submitted pursuant to this section for so long as the tax shall remain in effect.

5. Ninety-five percent of the sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited into the "Ambulance or Fire Protection District Sales Tax Trust Fund" pursuant to section 321.552, RSMo. The remaining five percent of the sales taxes collected by the director of revenue pursuant to this section shall be deposited in a special trust fun, which is hereby created, to be known as the "Distressed Fire Protection District Fund". The moneys in the distressed fire protection district fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month in equal parts to the governing body of any fire protection district located within any county with a charter form of government and with more than one million inhabitants, with a median household income of seventy percent or less of the median household income for the county in which such fire protection is located; such funds shall be deposited with the board treasurer of each such district.

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

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

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

HOUSE AMENDMENT NO. 37

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 432.070, Page 184, Line 14, by inserting the following after all of said line:

"451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. **[**Upon the expiration of three days after**]** **After** the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. **[**Provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, without waiting three days, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

4.**]** Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

[5.**]** **4.** Common-law marriages shall be null and void.

[6.**]** **5.** Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage."; and

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

HOUSE AMENDMENT NO. 38

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 14, Section 66.010, Line 58, by inserting after all of said line the following:

"**66.450. No county with a charter form of government and with more than one million inhabitants shall enact any charter provision governing the establishment of areas within the unincorporated areas of such county for the collection and transfer of waste and recovered materials, or authorizing bids or proposals for the provision of such services. Any such charter provision shall be void.**"; and

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

HOUSE AMENDMENT NO. 40

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 537.035, Page 189 by inserting after all of said section the following:

"537.610. 1. The commissioner of administration, through the purchasing division, and the governing body of each political subdivision of this state, notwithstanding any other provision of law, may purchase liability insurance for tort claims, made against the state or the political subdivision, but the maximum amount of such coverage shall not exceed two million dollars for all claims arising out of a single occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo, and no amount in excess of the above limits shall be awarded or settled upon. Sovereign immunity for the state of Missouri and its political subdivisions is waived only to the maximum amount of and only for the purposes covered by such policy of insurance purchased pursuant to the provisions of this section and in

such amount and for such purposes provided in any self-insurance plan duly adopted by the governing body of any political subdivision of the state.

2. The liability of the state and its public entities on claims within the scope of sections 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single accident or occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo.

3. The liability of the state or any public entities created pursuant to sections 99.010 to 99.230, RSMo, and any officer or employee of such public entities arising out of the operation of a motor vehicle being operated within the course and scope of their office or employment with such public entities, shall not exceed two million dollars for all claims against all such public entities or individuals arising out of a single accident or occurrence. When a claim against the state or one of its public entities created pursuant to sections 99.010 to 99.230, RSMo, arises out of the operation of a motor vehicle as described in subdivision (1) of subsection 1 of section 537.600 and a claim is also brought against an officer or employee of such public entities arising out of the same accident or occurrence, the maximum allowable recovery against the state, such public entities, or any officer or employee of such public entities shall be reduced by any amount paid towards the claim by the state, such public entities or officers or employees of the same.

4. The liability of the state or public entities created pursuant to sections 99.010 to 99.230, RSMo, and officer or employee of such public entities arising out of any dangerous condition of property which the officer or employee allegedly caused or contributed to cause, shall not exceed two million dollars for all claims against all such public entities or individuals arising out of the single accident or occurrence, and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence. When a claim against the state or such public entities arises out of a dangerous condition of property as described in subdivision (2) of subsection 1 of section 537.600, and the claim is also brought against an officer or employee of such public entities for causing or contributing to cause the dangerous condition, then the maximum allowable recovery against the state or such public entities or any officer or employee of such public entities who allegedly caused or contributed to cause the dangerous condition shall be reduced by the amount paid toward the claim made by the state, such public entities, or any officer or employee of the same.

5. The liability of the state or any public entities created pursuant to sections 99.010 to 99.230, RSMo, for operation of a motor vehicle is vicarious to the liability of the operator of the motor vehicle. Should the operator of the motor vehicle owned or operated on behalf of the state or such public entities be found to be immune from liability for operation of a motor vehicle because of official immunity or otherwise, the state or its public entities shall also have no liability arising from the operation of the motor vehicle.

[3.**]** **6.** No award for damages on any claim against a public entity within the scope of sections 537.600 to 537.650, shall include punitive or exemplary damages.

[4.**]** **7.** If the amount awarded to or settled upon multiple claimants exceeds two million dollars, any party may apply to any circuit court to apportion to each claimant his proper share of the total amount limited by subsection 1 of this section. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of

the accident or occurrence, but the share shall not exceed three hundred thousand dollars.

[5.**] 8.** The limitation on awards for liability provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[6.**] 9.** Any claim filed against any public entity under this section shall be subject to the penalties provided by supreme court rule 55.03."; and

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

HOUSE AMENDMENT NO. 41

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 479.010, Page 185, Lines 2-3, by deleting said lines and inserting in lieu thereof the following:

"before divisions of the circuit court as hereinafter provided in this chapter. **"Heard and determined", for purposes of this chapter, shall mean any process under which the court in question**"; and,

Further amend said Substitute, Section 479.011, Page 185, Line 3, by inserting a comma "**,**" after the word "**civil**"; and,

Further amend said Section, Page 186, Lines 31-33, by deleting said lines and inserting in lieu thereof the following:

"subject to review under chapter 536, RSMo**, or, at the request of the defendant made within ten days, a trial de novo in the circuit court**. After expiration of the judicial review period under chapter 536, RSMo, unless stayed by a court of competent jurisdiction, the administrative"; and

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

HOUSE AMENDMENT NO. 42

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, page 160, Section 238.275, Line 36, by inserting immediately after said line the following:

"246.005. 1. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, which has, prior to April 8, 1994, been granted an extension of the time of corporate existence by the circuit court having jurisdiction, shall be deemed to have fully complied with all provisions of law relating to such extensions, including the time within which application for the extension must be made, unless, for good cause shown, the circuit court shall set aside such extension within ninety days after April 8, 1994.

2. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, shall have **[**five**] ten** years after the lapse of the corporate charter in which to reinstate and extend the time of the corporate existence by the circuit court having jurisdiction, and such circuit court judgment entry and order shall be deemed to have fully complied with all provisions of law relating to such extensions."; and

Further amend said bill, page 192, section B, line 14, by inserting immediately after said line the

following:

"Section C. Because of the need for continued flood protection, the repeal and reenactment of section 246.005 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 246.005 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 43

Amend House Amendment No. 43 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 22, Page 1, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"137.100, Lines 6 through 10, by deleting all of said lines and inserting in lieu thereof the following: "and equipments, and on public squares and lots kept open for health, use or ornament;"; and

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

HOUSE AMENDMENT NO. 43

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 98, Section 137.100, Lines 1 to 62, by deleting all of said section; and

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

HOUSE AMENDMENT NO. 44

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 260.831, Page 163, Line 26 by inserting after all of said section and line the following:

"287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged

exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590, RSMo, if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department **or paid police officers of a paid police department certified under chapter 590,RSMo,** if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease."; and

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

HOUSE AMENDMENT NO. 45

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 107, Section 144.030, Lines 72 to 73, by deleting all of said lines and inserting in lieu thereof the following: "more or trailers used by common carriers, as defined in section 390.020, RSMo, **[**solely**]** in the transportation of persons or property **[**in interstate commerce**]**;"; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 46

Amend House Amendment No. 46 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 2, Line 7, by inserting the following immediately after "**accredited**":

"**;**

4. Unless the voters of a city not within a county vote to supersede this section by the same majority needed to change the charter of said city by September 1, 2008, this section shall be in force for the city not within a county. In addition, any employee who resides outside the city will forfeit one percent of his or her salary for the time the employee is not living in the city to offset any lost revenue to the city.

5. The ballot of submission for this authorization shall be in substantially the following form:

Shall . . . . (insert name of city) be allowed to prevent fire department employees from paying one percent of their salaries to the city in order to reside outside the city limits when the public school system is or has been unaccredited

or provisionally accredited?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES"> If you are opposed to the question, place an "X" in the box opposite "NO" " and

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

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 46

Amend House Amendment No. 46 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 1, Section 320.097, Line 9, by inserting before the word "no" the following:

"Upon approval of the Board of Alderman,"

HOUSE AMENDMENT NO. 46

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Page 165, Section 302.010, Line 88, by inserting after all of said line the following:

"**320.097. 1. As used in this section, "fire department" means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.**

2. No employee of a fire department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. No charter school shall be deemed a public school for purposes of this section.

3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed and legally recorded geographical area of the fire department if such school district subsequently becomes fully accredited."; and

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

HOUSE AMENDMENT NO. 47

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 41.655, Page 4, Line 46, by inserting the following after all of said line:

"49.700. 1. The governing body of any county without a charter form of government may enact a noise ordinance or order that:

(1) Prohibits a person from creating noise above a specified decibel level that is disturbing to other persons in the surrounding area during certain specified times of the day; or

(2) Prohibits any owner, occupant, or other person or legal entity with the legal right to use or enjoy the property from allowing another person to create noise above a specified decibel level that is disturbing to other persons in the surrounding area during a certain specified time of the day.

2. No noise ordinance or order enacted under this section shall supercede the immunities granted to the owners of firearm ranges under section 537.294, RSMo.

3. No governing body of any county of the first, second, third, or fourth classification shall have the authority to enact any noise ordinance

or order under this section governing any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal utility.

4. No governing body of any county of the first, second, third, or fourth classification shall enact a noise ordinance or order under this section governing agricultural operations."; and,

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

HOUSE AMENDMENT NO. 48

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 67.1360, Page 36, Line 117, by inserting the following after all of said line:

"67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the governing body of the municipality in which the proposed district is located shall **[**hold a public hearing in accordance with section 67.1431 and may adopt an ordinance to establish the proposed district.**] submit the question of creating such a district to all qualified voters residing within the proposed district at a general or special election called for that purpose.**

2. A petition is proper if, based on the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the time of filing the petition with the municipal clerk, it meets the following requirements:

(1) It has been signed by property owners collectively owning more than fifty percent by assessed value of the real property within the boundaries of the proposed district;

(2) It has been signed by more than fifty percent per capita of all owners of real property within the boundaries of the proposed district; and

(3) It contains the following information:

(a) The legal description of the proposed district, including a map illustrating the district boundaries;

(b) The name of the proposed district;

(c) A notice that the signatures of the signers may not be withdrawn later than seven days after the petition is filed with the municipal clerk;

(d) A five-year plan stating a description of the purposes of the proposed district, the services it will provide, the improvements it will make and an estimate of costs of these services and improvements to be incurred;

(e) A statement as to whether the district will be a political subdivision or a not for profit corporation and if it is to be a not for profit corporation, the name of the not for profit corporation;

(f) If the district is to be a political subdivision, a statement as to whether the district will be governed by a board elected by the district or whether the board will be appointed by the municipality, and, if the board is to be elected by the district, the names and terms of the initial board may be stated;

(g) If the district is to be a political subdivision, the number of directors to serve on the board;

(h) The total assessed value of all real property within the proposed district;

(i) A statement as to whether the petitioners are seeking a determination that the proposed district, or any legally described portion thereof, is a blighted area;

(j) The proposed length of time for the existence of the district;

(k) The maximum rates of real property taxes, and, business license taxes in the county seat of a county of the first classification without a charter form of government containing a population of at least two hundred thousand, that may be submitted

to the qualified voters for approval;

(l) The maximum rates of special assessments and respective methods of assessment that may be proposed by petition;

(m) The limitations, if any, on the borrowing capacity of the district;

(n) The limitations, if any, on the revenue generation of the district;

(o) Other limitations, if any, on the powers of the district;

(p) A request that the district be established; and

(q) Any other items the petitioners deem appropriate; and

(4) The signature block for each real property owner signing the petition shall be in substantially the following form and contain the following information:

Name of owner: . . . . . .

Owner's telephone number and mailing address:. . . . . .

If signer is different from owner:

Name of signer: . . . . . .
State basis of legal authority to sign: . . . . . .

Signer's telephone number and mailing address: . . . . . .

If the owner is an individual, state if owner is single or married: . . . . . .

If owner is not an individual, state what type of entity: . . . . . .

Map and parcel number and assessed value of each tract of real property within the proposed district owned: . . . . . .

By executing this petition, the undersigned represents and warrants that he or she is authorized to execute this petition on behalf of the property owner named immediately above. . . . . .

Signature of person signing for owner Date

STATE OF MISSOURI)

) ss.

COUNTY OF . . . . . .)

Before me personally appeared . . . . . ., to me personally known to be the individual described in and who executed the foregoing instrument.

WITNESS my hand and official seal this . . . . . day of . . . . . (month), ... (year). . . . . .

Notary Public

My Commission Expires: . . . . . .

3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to exceed ninety days after receipt of the petition, review and determine whether the petition substantially complies with the requirements of subsection 2 of this section. In the event the municipal clerk receives a petition which does not meet the requirements of subsection 2 of this section, the municipal clerk shall, within a reasonable time, return the petition to the submitting party by hand delivery, first class mail, postage prepaid or other efficient means of return and shall specify which requirements have not been met.

4. **[**After the close of the public hearing required pursuant to subsection 1 of this section,**]** the governing body of the municipality may adopt an ordinance **[**approving the petition and**]** establishing a district as set forth in the petition **when the question of creating such district has been approved by two-thirds of the qualified voters voting thereon. [**and**] The governing body also** may determine, if requested in the petition, whether the district, or any legally described portion thereof, constitutes a blighted area.

5. **The notice of election containing the question of creating a community improvement district shall contain all the information**

required in subdivision 3 of subsection 2 of this section, except subdivision (3)(c). [Amendments to a petition may be made which do not change the proposed boundaries of the proposed district if an amended petition meeting the requirements of subsection 2 of this section is filed with the municipal clerk at the following times and the following requirements have been met:

(1) At any time prior to the close of the public hearing required pursuant to subsection 1 of this section; provided that, notice of the contents of the amended petition is given at the public hearing;

(2) At any time after the public hearing and prior to the adoption of an ordinance establishing the proposed district; provided that, notice of the amendments to the petition is given by publishing the notice in a newspaper of general circulation within the municipality and by sending the notice via registered certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district per the tax records of the county clerk, or the collector of revenue if the district is located in a city not within a county. Such notice shall be published and mailed not less than ten days prior to the adoption of the ordinance establishing the district;

(3) At any time after the adoption of any ordinance establishing the district a public hearing on the amended petition is held and notice of the public hearing is given in the manner provided in section 67.1431 and the governing body of the municipality in which the district is located adopts an ordinance approving the amended petition after the public hearing is held.

6. Upon the creation of a district, the municipal clerk shall report in writing the creation of such district to the Missouri department of economic development.

[67.1431. 1. Within a reasonable time, not to exceed forty-five days, after the receipt of the verified petition from the municipal clerk, the governing body shall hold or cause to be held a public hearing on the establishment of the proposed district and shall give notice of the public hearing in the manner provided in subsection 3 of this section. All reasonable protests, objections and endorsements shall be heard at the public hearing.

2. The public hearing may be continued to another date without further notice other than a motion to be entered on the minutes fixing the date, time and place of the continuance of the public hearing.

3. Notice of the public hearing shall be given by publication and mailing. Notice by publication shall be given by publication in a newspaper of general circulation within the municipality once a week for two consecutive weeks prior to the week of the public hearing. Notice by mail shall be given not less than fifteen days prior to the public hearing by sending the notice via registered or certified United States mail with a return receipt attached to the address of record of each owner of record of real property within the boundaries of the proposed district. The published and mailed notices shall include the following:

(1) The date, time and place of the public hearing;

(2) A statement that a petition for the establishment of a district has been filed with the municipal clerk;

(3) The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists; and a map illustrating the proposed boundaries;

(4) A statement that a copy of the petition is available for review at the office of the municipal clerk during regular business hours; and

(5) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.**]**

67.1441. 1. Upon the written request of any real property owner within the district, the

governing body of the municipality may hold a public hearing for the removal of real property from a district and such real property may be removed from such district by ordinance, provided that:

(1) The board consents to the removal of such property;

(2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed; and

(3) The public hearing is conducted **[**in the same manner as required by section 67.1431**]** with notice of the hearing given in the same manner as required by **subsection 2 of this section, [**section 67.1431 and such**] which** notice shall include:

(a) The date, time and place of the public hearing;

(b) The name of the district;

(c) The boundaries by street location, or other readily identifiable means if no street location exists of the real property proposed to be removed from the district, and a map illustrating the boundaries of the existing district and the real property proposed to be removed; and

(d) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

2. With the consent of the board, real property may be added to the district by ordinance upon receipt of a proper petition and after a public hearing is held by the governing body of the municipality on the addition of the real property **[**in the manner provided in section 67.1431**]**. Notice of the public hearing shall be given by publication and mailed to the owners of real property within the boundaries of the district and the area proposed to be added **[**in the manner provided in section 67.1431.**]** The notice shall include the following information:

(1) The time, date and place of the public hearing;

(2) The name of the proposed or established district;

(3) The boundaries by street location, or other readily identifiable means if no street location exists, of the real property to be added to the district, and a map showing the boundaries of the existing district and the real property proposed to be added to the district;

(4) A statement that a copy of the petition is available for review during regular business hours at the office of the municipal clerk; and

(5) A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

For the purposes of this section, a proper petition is one which meets the requirements of section 67.1421, which requirements shall only apply as to the real property proposed to be added.

3. A public hearing may be held to amend the petition and notice of such amendments given simultaneously with a public hearing to alter the district boundaries."; and,

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

HOUSE AMENDMENT NO. 49

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, Section 537.035, Page 189, Line 88, by inserting the following after all of said line:

"644.123. Repayment of principal and interest on loans or assistance awarded from the wastewater loan fund shall be credited to the wastewater loan fund. Any administrative fees pursuant to section 644.106 shall be paid to the director of revenue and deposited in the state treasury to the credit of an appropriate subaccount of the natural resources protection fund created in section 640.220, RSMo, and, subject to appropriation by the general assembly, shall be

used by the department to carry out the general administration of programs and projects financed, in part, by assistance from the water pollution control fund or the wastewater loan fund. **Administrative fees charged under section 644.106 may be used by the department for eligible activities under the federal Safe Drinking Water Act, as amended, or the federal Clean Water Act, as amended.**"; and,

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

HOUSE AMENDMENT NO. 50

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 22, page 2, Line 5, by inserting after "206.090,":

"**221.040,**"

and Page 2, Line 23 inserting after "206.090,":

"**221.040,**"

and Page 114, Section 206.090 by inserting after all this Section the following:

221.040. 1. It shall be the duty of the sheriff and jailer to receive, from constables and other officers, all persons who shall be apprehended by such constable or other officers, for offenses against this state, or who shall be committed such jail by any competent authority; and if any sheriff or jailer shall refuse to receive any such person or persons, he or she shall be adjudged guilty of a misdemeanor, and on conviction shall be fined in the discretion of the court.

2. The sheriff and jailer shall not be required to receive or detain a prisoner in custody under subsection 1 of this section until the arresting constable or other officer has had the prisoner examined by a physician or competent medical personnel if the prisoner appears to be:

(1) Unconscious;

(2) Suffering from a serious illness;

(3) Suffering from a serious injury; or

(4) Seriously impaired by alcohol, a controlled substance as defined in section 195.017, RSMo, a drug other than a controlled substance, or a combination of alcohol, a controlled substance, or drugs.

3. The cost of the examination and resulting treatment under subsection 2 of this section is the financial responsibility of the prisoner receiving the examination or treatment.

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

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 82**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 82

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 9, 10, and 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12 as amended, House Amendments Nos. 15, 16, 17, 19, 20, 21, and 22, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 82;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 82, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ John E. Griesheimer	/s/ Steven Tilley
/s/ Bill Stouffer	/s/ Dwight Scharnhorst
/s/ Carl M. Vogel	/s/ Michael L. Parson
/s/ Rita Heard Days	/s/ Bradley Robinson
/s/ Joan Bray	John Burnett

Senator Gross assumed the Chair.

Senator Rupp assumed the Chair.

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shoemyer	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Justus	Purgason	Smith—3

Absent—Senator Shields—1

Absent with leave—Senators—None

Vacancies—None

Senator Gross assumed the Chair.

On motion of Senator Griesheimer, **CCS** for **HCS** for **SCS** for **SB 82**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 82

An Act to repeal sections 301.010, 301.020, 301.030, 301.130, 301.140, 301.142, 301.144, 301.170, 301.177, 301.196, 301.200, 301.218, 301.221, 301.225, 301.227, 301.229, 301.280, 301.444, 301.550, 301.560, 301.567, 301.570, 301.640, 302.171, 302.302, 302.720, 304.022, 304.170, 407.730, 407.732, 407.815, RSMo, section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof thirty-three new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon

Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Justus	Purgason	Smith—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

REFERRALS

President Pro Tem Gibbons referred **SR 1360** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

CONFERENCE COMMITTEE REPORTS

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 84**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 84

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 84, House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, and House Amendment No. 4 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 84, as amended;

2. That the Senate recede from its position on Senate Bill No. 84;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 84, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Norma Champion	/s/ Ward Franz
/s/ Robert Mayer	/s/ Michael McGhee
/s/ Delbert Scott	Scott Muschany
/s/ Jolie Justus	/s/ Beth Low
/s/ Rita Heard Days	/s/ Jeanette Mott Oxford

Senator Engler assumed the Chair.

Senator Gross assumed the Chair.

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Champion, **CCS** for **HCS** for **SB 84**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 84

An Act to repeal sections 43.530, 210.482, 210.487, 210.570, 210.580, 210.595, 210.600, 210.610, 210.620, 210.622, 210.625, 210.630, 210.635, 210.640, 210.700, 210.762, 210.1012, 211.319, 211.444, 211.447, 453.010, and 453.011, RSMo, and to enact in lieu thereof nineteen new sections relating to children and minors, with penalty provisions and a contingent effective date for certain sections.

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 86**, as amended: Senators Champion, Lager, Griesheimer, Bray and Kennedy.

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 **SCS** for **SB 91**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 384**, entitled:

An Act to repeal sections 301.130 and 301.301, RSMo, and to enact in lieu thereof two new sections relating to stolen license plate tabs, with an emergency clause for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 384, Page 1, in the Title, Line 2, by deleting the words "stolen license plate tabs" and inserting in lieu thereof the following:

"deceptive practices"; and

Further amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 384, Page 4, Section B, Line 1, by inserting immediately preceding all of said Line the following:

"**407.485. 1. It shall be an unfair business**

practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items for profit unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT".

2. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not for profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: " DONATIONS TO THE FOR PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not for profit) % OF ALL PROCEEDS ARE DONATED TO (name of the non-profit beneficiary organization's name)."

3. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and 100% of the proceeds from the sale of the items are given directly to the not for profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR PROFIT ENTITY: (name of the for profit/individual) ON BEHALF of (name of the non-profit beneficiary organization's name)".

4. Nothing in section 407.485 shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

5. Any entity which, on or before June 1, 2007, has distributed 100 or more separate public receptacles within the state of Missouri to which the provisions of subsections 2 or 3 of this section would apply shall be deemed in compliance with the signage requirements imposed by this section for the first six months after the effective date of this legislation, provided such entity has made or is making good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than six months after the effective date of this legislation."; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **HCS** for **HB 364**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gross assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 74** was placed on the Informal Calendar.

HB 801, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 914**, entitled:

An Act to repeal sections 192.935, 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 339.100, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 537.035, and 621.045, RSMo, and to enact in lieu thereof ninety-five new sections relating to the practice of certain licensed professionals, with penalty provisions and an effective date for certain sections.

Was taken up by Senator Scott.

Senator Scott offered **SS** for **HCS** for **HB 914**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 914

An Act to repeal sections 41.950, 195.070, 195.100, 256.465, 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 324.520, 324.522, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.104, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715, 337.718, 338.220, 339.100, 339.513, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo, and to enact in lieu thereof one hundred twenty new sections relating to the division of professional registration, with penalty provisions and an effective date for certain sections.

Senator Scott moved that **SS** for **HCS** for **HB 914** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Page 1, In the Title, Line 18 of said page, by inserting after "RSMo," the following: "and section 376.1753 as Truly Agreed To and Finally Passed by the first regular session of the ninety-fourth general assembly in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill no. 818,"; and

Further amend said bill, Page 214, Section 337.686, Line 38 of said page, by inserting after all of said line the following:

"**[376.1753. Notwithstanding any law to the contrary, any person who holds current ministerial or tocological certification by an organization accredited by the National Organization for Competency Assurance (NOCA) may provide services as defined in 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I).]**"; and

Further amend the enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 1**:

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

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Page 54, Section 324.1148, Line 20 of said page, by inserting after all of said line the following:

"**324.1230. 1. As used in sections 324.1230 to 324.1245, the following terms shall mean:**

(1) "Antepartum", before birth;

(2) "Board", the board of direct-entry midwives;

(3) "Client", a person who retains the services of a direct-entry midwife;

(4) "Direct-entry midwife", any person who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation those skills relevant to the care of women and infants in the antepartum, intrapartum, and postpartum period;

(5) "Division", the division of professional registration;

(6) "Intrapartum", during birth;

(7) "Postpartum", after birth.

2. There is hereby created and established within the division of professional registration a "Board of Direct-Entry Midwives".

3. No later than December 31, 2007, the governor shall appoint members to the board with the advice and consent of the senate. The board shall consist of five members each of whom is a United States citizen and who has been a resident of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a physician licensed under chapter 334, RSMo, who has provided out-of-hospital birth services, one member shall be a public member, three members shall be licensed direct-entry midwives who attend births in homes or other out-of-hospital settings, provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under the provisions of sections 324.1230 to 324.1245.

4. The initial appointments to the board shall be one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years and one member for a term of five years. After the initial terms, each member shall serve a five-year term. No member of the board shall serve more than two consecutive five-year terms. The organization of the board shall be established by members of the board. Upon the death, resignation, or removal from office of any member of the board, the appointment to fill the vacancy shall be for the unexpired portion of the term so vacated and shall be made within sixty days after the vacancy occurs.

5. The public member shall not be a member of any profession regulated by chapter 334 or 335, RSMo, or under sections 324.1230 to 324.1245, or the spouse of such person. The public member is subject to the provisions of section 620.132, RSMo.

6. The board may sue and be sued in its own name and its members need not be named parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members. No board member shall be personally liable for any court costs which accrue in any action by or against the board.

7. Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division of professional registration not to exceed fifty dollars per day for board business

plus actual and necessary expenses. The director of the division of professional registration shall establish by rule the guidelines for payment.

8. The board shall employ administrative and clerical personnel necessary to enforce the provisions of sections 324.1230 to 324.1245.

9. The board shall hold an annual meeting at which time it shall elect from its membership a chairman and secretary. The board may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the board shall consist of a majority of its members.

10. No licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 324.1230 to 324.1245 and the initial rules filed have become effective.

324.1233. 1. The board shall issue licenses to applicants who:

(1) Present evidence of current certification by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM);

(2) Present evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation;

(3) Pay a licensure fee set by the board; and

(4) Comply with the written disclosure requirement under subsection 1 of section 324.1239.

2. The board shall renew licenses to applicants who:

(1) Present evidence of attendance at a minimum of ten hours per year of continuing education in midwifery or related fields;

(2) Present evidence of attendance at a minimum of three hours per year of peer review;

(3) Present evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation; and

(4) Pay a renewal fee set by the board.

3. Any license issued under sections 324.1230 to 324.1245 shall expire three years after the date of its issuance. The board may refuse to issue or renew any certificate of registration or authority, permit, or license required pursuant to this chapter for one or any combination of causes stated in subsection 4 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 4 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's

determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

4. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit, or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Violates any provision of sections 324.1230 to 324.1245 or the rules adopted thereafter;

(2) Engages in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board; or

(3) Has an unpaid judgment resulting from providing direct-entry midwifery services.

5. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 4 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate, or permit for a period not to exceed three years, or restrict or limit the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

6. The division may promulgate rules necessary to implement the administration of the licensure system established under sections 324.1230 to 324.1245. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

324.1236. 1. There is hereby established in the treasury a fund to be known as the "Board of Direct-Entry Midwives Fund". All fees of any kind and character authorized to be charged by the board shall be collected by the director of the division of professional registration and shall be transmitted to the department of revenue for deposit in the state treasury for credit to this fund, to be disbursed only in payment of expenses of maintaining the board and for the enforcement of the provisions of law concerning professions regulated by the board; and no other money shall be paid out of the state treasury for carrying out these provisions. Warrants shall be issued on the state treasurer for payment out of said fund.

2. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1230 to 324.1245. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

324.1239. 1. Every licensed direct-entry midwife shall present a written disclosure statement to each client, which shall include but not be limited to, the following:

(1) A description of direct-entry midwifery education and related training;

(2) Licensure as a direct-entry midwife, including the effective dates of the licensure;

(3) The benefits and risks associated with childbirth in the setting selected by the client;

(4) A statement concerning the licensed direct-entry midwife's malpractice or liability insurance coverage; and

(5) A plan, specific to the client, for transfer to medical care, if needed.

2. Notwithstanding any other provision of the law, a licensed direct-entry midwife providing a service of direct-entry midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

3. Nothing in sections 324.1230 to 324.1245 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

(1) Advertise as a midwife or as a provider of midwife services;

(2) Assist, as primary attendant, in more than six births a year;

(3) Accept any form of compensation for midwife services; and

(4) Use any words, letters, signs, or figures to indicate that the person is a midwife.

4. A person who is a member of a recognized religious sect or division, as defined in 26 U.S.C. 1402(g), by reason of which they are conscientiously opposed to acceptance of benefits of any public or private insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical bills, including benefits of any insurance system established under the Federal Social Security Act, 42 U.S.C. 301 to 42 U.S.C. 1397jj, shall not be subject to the provisions of sections 324.1230 to 324.1245.

5. A person shall not be subject to the licensure provisions of section 324.1233 if said person:

(1) Is a resident of this state;

(2) Is at least twenty-one years of age;

(3) Has passed the North American Registry of Midwives Skills Assessment;

(4) Has provided a service of midwifery for at least twenty of the last thirty years before August 28, 2007;

(5) Presents evidence of current certification in basic life support (BLS) for healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal resuscitation;

(6) Presents a written disclosure statement to each client as provided under subsection 1 of this section, except such person shall disclose

evidence of the licensure exemption from the board required under subdivision (7) of this subsection; and

(7) Has requested and received an exemption from the Board of Direct-Entry Midwives.

6. No person other than the licensed direct-entry midwife who provided care to the client shall be liable for the direct-entry midwife's negligent or willful and wanton acts or omissions. Except as otherwise provided by law, no other licensed physician, licensed doctor of osteopathy, certified nurse midwife, licensed nurse, hospital, emergency medical technicians licensed under chapter 190, RSMo, or agents thereof, shall be exempt from liability for their own subsequent and independent negligent, grossly negligent, or willful and wanton acts or omissions.

7. The provisions of sections 324.1230 to 324.1245 shall be remedial and curative in nature.

8. Nothing in sections 324.1230 to 324.1245 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

324.1242. No licensed direct-entry midwife shall be permitted to:

(1) Prescribe drugs or medications;

(2) Perform medical inductions or cesarean sections during the delivery of an infant;

(3) Use forceps during the delivery of an infant; or

(4) Perform vacuum delivery of an infant.

324.1245. Any person who violates the provisions of sections 324.1230 to 324.1245, or any rule or order made under sections 324.1230 to 324.1245 is guilty of a class A misdemeanor.";
and

Further amend said bill, page 65, section 331.010, line 15, by inserting after all of said line, the following:

"334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, **[**or engage in the practice of midwifery in this state,**]** except as herein provided.

2. For the purposes of this chapter, the "practice of medicine across state lines" shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state

or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo."; and

Further amend said bill, section 334.120, page 69, line 6 by striking ", and midwives"; and

Further amend said bill, Page 208, Section 327.633, line 39 of said page, by inserting after all of said line the following:

"**[**334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.**]**"; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Justus, McKenna and Scott.

SSA 1 for **SA 1** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Coleman	Days	Gibbons	Goodman
Green	Griesheimer	Gross	Justus
Koster	Loudon	McKenna	Purgason
Rupp	Scott	Shoemyer	Stouffer
Vogel—21			

NAYS—Senators

Champion	Clemens	Crowell	Engler
Graham	Kennedy	Lager	Mayer
Nodler	Ridgeway	Shields	Smith
Wilson—13			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Page 207, Section 621.045, Line 24 of said page, by inserting after all of said line the following:

"**Section 1. The inspection to be conducted by the department under subsection 14 of section 190.105, RSMo, shall be limited to the verification of compliance with standards for renewal of an existing license, and shall not include the criteria set forth in subsection 3 of section 190.109, RSMo, or any other criteria that may exist for issuance of a license to a non-license-holder or for a licensee seeking to expand its ambulance service area. Any licenses acquired upon a sale or transfer of any ground ambulance service ownership shall remain in full force and effect after the sale or transfer unless suspended or revoked for cause as provided in section 190.165, RSMo. After the inspection referenced in subsection 14 of section 190.105, RSMo, the department of health and senior services shall issue a new ground ambulance license to the acquiring entity. That issuance shall not be affected by any judicial, administrative, or other action that causes or results in a change in the licensing status of the seller or transferor if such change in licensing status occurs after the sale or transfer.**"; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Page 99, Section 336.140, Line 5, by striking the opening bracket; and

Further amend said page, section, and line by

striking "thirty", and inserting in lieu thereof, the following: "**ten**"; and

Further amend said page, section, line 6, by striking the closing bracket.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Pages 8-9, Section 195.070, by striking said section from the bill; and

Further amend said bill, pages 65-69, section 334.104, by striking said section from the bill; and

Further amend said bill, page 75, section 335.019, lines 7-23, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 914, Section A, Page 2, Line 27 by inserting immediately after said Line the following:

"**37.800. 1. This section shall be known and may be cited as the "The Human Voice Contact Act".**

2. A state agency that uses automated telephone answering equipment to answer incoming telephone calls shall, during normal business hours of the agency, provide the caller with the option of speaking to a live operator. This section shall not apply to field offices, telephone lines dedicated as hotlines for emergency services, telephone lines dedicated to providing general information, and any system that is designed to permit an individual to conduct a complete transaction with the state agency over the telephone solely by pressing one or more touch tone telephone keys in response to automated prompts. As used in this section, "state agency" refers to each board, commission, department, officer or other administrative office or unit of the state other than the general assembly, the courts, the governor, or a political subdivision of the state, existing under the constitution or statute."; and

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

Senator Crowell moved that the above amendment be adopted.

At the request of Senator Scott, **HCS** for **HB 914**, with **SS** and **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 429**, entitled:

An Act to repeal sections 43.030, 43.050, 43.160, 43.210, 43.220, 43.530, 50.565, 84.160, 174.700, 174.703, 174.706, 191.225, 192.925, 195.010, 195.017, 195.417, 210.1012, 217.670, 221.040, 287.067, 302.060, 302.311, 302.750, 304.022, 304.070, 304.230, 306.111, 306.112, 306.114, 306.116, 306.117, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 431.056, 488.5025, 544.157, 545.050, 550.040, 556.036, 559.021, 559.106, 561.031, 565.024, 565.063, 565.070, 565.072, 565.074, 565.081, 565.082, 565.083, 565.182, 570.040, 573.037, 575.080, 575.100, 575.260, 575.353, 577.020, 577.023, 577.026, 577.029, 577.037, 577.041, 577.208, 577.500, 577.505, 578.250, 578.255, 578.260, 578.265, 590.050, 590.120, 590.190, 595.030,

595.209, 650.055, 650.340, and 650.457, RSMo, and to enact in lieu thereof one hundred nineteen new sections relating to crime, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 2 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, House Amendment No. 1 to House Amendment No. 16, House Amendment No. 16, as amended, House Amendment Nos. 19, 20, 21, 22, 23, 25, 27, 28, 29, 30 and 33.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 2, Section 188.021, Line 12, by deleting the letter "C" and substitute the letter "A."

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 2, Section188.021, Line 12, by inserting after the word "felony" the following:

"In addition, any physician that performs abortion shall be required to receive a Certificate of Need from the Missouri Health Facilities Review Committee."

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 174.712, Page 10, Line 5 by inserting immediately after said Line the following:

"188.015. Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them:

(1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

(5) **"Partial-birth abortion", an abortion in which the person performing the abortion:**

(a) Deliberately and intentionally vaginally delivers a living fetus until, in the case of a head first presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(b) Performs the overt act, other than completion of delivery, that kills the partially delivered living fetus;

(6) "Physician", any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)**] (7)** "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)**] (8)** "Viability", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by

natural or artificial life-supportive systems."; and

188.021. 1. Any physician who knowingly performs a partial-birth abortion and thereby kills a human fetus shall be guilty of a class C felony.

2. Subsection 1 shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life endangering physical condition caused by or arising from the pregnancy itself.

3. The father, if married to the mother at the time she receives a partial-birth abortion procedure, and the maternal grandparents of the fetus, if the mother has not attained the age of eighteen years of age at the time of the abortion, may have a civil cause of action against any person in violation of subsection 1 of this section to obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion. Such appropriate relief shall include money damages for all psychological and physical injuries that occurred as a result of a violation of this section and statutory damages equal to three times the cost of the partial-birth abortion.

4. A defendant accused of a violation of subsection 1 of this section may seek a hearing before the state board of registration for the healing arts on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life endangering physical condition caused by or arising from the pregnancy itself. The findings on said issue are admissible at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than thirty days to permit such a hearing to take place.

5. Any woman upon whom a partial-birth abortion is performed may not be prosecuted under this section or for a conspiracy to violate this section.

188.075. **Except as provided in section 188.021,** any person who contrary to the provisions of sections 188.010 to 188.085 knowingly performs or aids in the performance of any abortion or knowingly fails to perform any action required by sections 188.010 to 188.085 shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by law."; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 43.050, Page 3, Line 26 by inserting immediately after said Line the following:

"43.060. 1. Patrolmen and radio personnel shall not be less than twenty-one years of age. No person shall be appointed as superintendent or member of the patrol or as a member of the radio personnel who has been convicted of a felony or any crime involving moral turpitude, or against whom any indictment or information may then be pending charging the person with having committed a crime, nor shall any person be appointed who is not of good character or who is not a citizen of the United States and who at the time of appointment is not a citizen of the state of Missouri; or who **[**is not a graduate of an accredited four-year high school or in lieu thereof**]** **has not completed a high school program of education under chapter 167, RSMo, or who** has not obtained a **General Education Development (GED)** certificate **[**of equivalency from the state department of elementary and secondary education or other source recognized by that department**]**,

and who has not obtained advanced education and experience as approved by the superintendent, or who does not possess ordinary physical strength, and who is not able to pass the physical and mental examination that the superintendent prescribes.

2. Except as provided in subsections 3 and 4 of this section, no member of the patrol shall hold any other commission or office, elective or appointive, while a member of the patrol, except that the superintendent may authorize specified members to accept federal commissions providing investigative and arrest authority to enforce federal statutes while working with or at the direction of a federal law enforcement agency. No member of the patrol shall accept any other employment, compensation, reward, or gift other than regular salary and expenses as herein provided except with the written permission of the superintendent. No member of the patrol shall perform any police duty connected with the conduct of any election, nor shall any member of the patrol at any time or in any manner electioneer for or against any party ticket, or any candidate for nomination or election to office on any party ticket, nor for or against any proposition of any kind or nature to be voted upon at any election.

3. Members of the patrol shall be permitted to be candidates for and members or directors of the school board in any school district where they meet the requirements for that position as set forth in chapter 162, RSMo. Members of the patrol who become school board directors or members within the state shall be permitted to receive benefits or compensation for their service to the school board as provided by chapter 162, RSMo.

4. The superintendent may, by general order, set forth the circumstances under which members of the patrol may, in addition to their duties as members of the patrol, be engaged in secondary employment."; and

Further amend said Substitute, Section 589.683, Page 104, Line 10 by inserting immediately after said Line the following:

"590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. **Such general education requirements shall require completion of a high school program of education under chapter 167, RSMo, or obtainment of a general education development (GED) certificate.**

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; and

(2) Maintain a current address of record on file with the director.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a

law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter."; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 595.031, Page 108, Line 12 by inserting immediately after said Line the following:

"595.036. 1. **Any party aggrieved by a decision of the department on a claim under the provisions of sections 595.010 to 595.070 may, within thirty days following the date of notification of mailing of such decision, file a petition with the division of workers' compensation of the department of labor and industrial relations to have such decision heard de novo by an administrative law judge. The administrative law judge may affirm, reverse, or set aside the decision of the department of public safety on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the department of public safety with directions. The division of workers' compensation shall promptly notify the parties of its decision and the reasons therefor.**

2. Any of the parties to a decision of **an administrative law judge of** the division of workers' compensation**, as provided by subsection 1 of this section,** on a claim heard under the provisions of sections 595.010 to 595.070 may, within thirty days following the date of notification or mailing of such decision, file a petition with the labor and industrial relations commission to have such decision reviewed by the commission. The commission may allow or deny a petition for review. If a petition is allowed, the commission may affirm, reverse, or set aside the decision of the division of workers' compensation on the basis of the evidence previously submitted in such case or may take additional evidence or may remand the matter to the division of workers' compensation with directions. The commission shall promptly notify the parties of its decision and the reasons therefor.

[2.**] 3.** Any petition for review filed pursuant to subsection 1 of this section shall be deemed to be filed as of the date endorsed by the United States Postal Service on the envelope or container in which such petition is received.

[3.**] 4.** Any party who is aggrieved by a final decision of the labor and industrial relations commission pursuant to the provisions of subsections **[**1 and**]** 2 **and 3** of this section **[**may seek judicial review thereof, as provided in sections 536.100 to 536.140, RSMo**] shall within thirty days from the date of the final decision, appeal the decision to the court of appeals. Such appeal may be taken by filing notice of appeal with the commission, whereupon the commission shall, under its certificate, return to the court all documents and papers on file in the matter, together with a transcript of the evidence, the findings and award, which shall thereupon become the record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of fraud, the findings of fact made by the commission within its powers shall be conclusive and binding. The court, on appeal, shall review only questions of law and may modify, reverse, remand for rehearing, or set aside the award upon any of the following grounds and no other:**

(1) That the commission acted without or in excess of its powers;

(2) That the award was procured by fraud;

(3) That the facts found by the commission do not support the award;

(4) That there was not sufficient competent evidence in the record to warrant the making of

the award."; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Line 10 of the Title by inserting after "RSMO," the following: "and Section 1 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,"; and

Further amend said Bill, Page 2, Section A, Line 9, by inserting after "RSMo," the following: "and Section 1 as truly agreed and finally passed in Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 327, Ninety-fourth General Assembly, First Regular Session,"; and

Further amend said Bill, Page 118, Section 650.470, Line 50, by inserting after said Line the following:

[Section 1. No person, firm, limited liability company, or corporation shall purchase more than twenty tickets at one time, except that any ticket issuer may allow the purchaser of any amount of tickets through a group sales office.]; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 118, Section 650.470, Line 50, by inserting after all of said Section, the following:

"**Section 1. Nothing in this section or in any law or ordinance of any city, county, or other political subdivision shall prohibit or be deemed to prohibit a person, firm, limited liability company, or corporation from reselling or offering to resell via the Internet an admission ticket, at any price, or charging any fee in connection with the resale or offering of an admission ticket to any athletic contest, dance, theater, concert, circus, or other amusement, if such Internet web site's operator guarantees a full refund or future credit of the amount paid for the ticket under each of the following conditions:**

(a) The ticketed event is cancelled;

(b) The purchaser is denied admission to the ticketed event, using the purchased ticket, unless such denial is due to the action or omission of the purchaser.

(2) The Internet web site's guarantee under this subsection shall be clearly posted and all prospective purchasers shall be directed to such guaranty before completion of the resale transaction.

(3) A refund issued under any of the conditions provided in this subsection shall include any service, handling, or processing fees unless such fees are declared nonrefundable under the terms of the guarantee.

(4) The provisions of this subsection do not apply to student or other discounted tickets issued by institutions of higher education or any other state or federal not-for-profit institutions."; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 39, Section 195.017, Line 648, by inserting after all of said line the

following:

"**195.217. 1. A person commits the offense of distribution of a controlled substance near a park, as defined in section 253.010, RSMo, if such person violates section 195.211 by unlawfully distributing or delivering heroin, cocaine, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand feet of, the real property comprising a public park, state park, county park, or municipal park or a public or private park designed for public recreational purposes.**

2. Distribution of a controlled substance near a park is a class A felony."; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 455.003, Page 67, Line 16 by inserting immediately after said line the following:

"479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed before the defendant pleads guilty or is found guilty, the municipal judge may assess municipal court costs as determined by section 488.012, RSMo, against the defendant if the defendant consents to paying the costs except in those cases where the defendant is found by the judge to be unable to pay the costs.** The fees authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court costs. The fees provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 1 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo; provided that, each municipal court may establish a judicial education fund in an account under the control of the municipal court to retain one dollar of the fees collected on each case and to use the fund only to pay for:

(1) The continuing education and certification required of the municipal judges by law or supreme court rule; and

(2) Judicial education and training for the court administrator and clerks of the municipal court.

Provided further, that no municipal court shall retain more than one thousand five hundred dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipal treasury.

2. In municipal ordinance violation cases which are filed in the associate circuit division of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge shall assess costs against the defendant except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case is dismissed, the judge shall not assess costs against the municipality. The costs authorized in this subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other

court costs. The costs provided by this subsection shall be collected by the municipal division clerk in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as provided in subsection 2 of section 479.080. Any other court costs required in connection with such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

3. A municipality, when filing cases before an associate circuit judge, shall not be required to pay fees.

4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a municipal ordinance violation case.

5. In municipal ordinance violation cases, when there is an application for a trial de novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this section.

6. Municipalities by ordinance may provide for a schedule of costs to be paid in connection with pleas of guilty which are processed in a traffic violations bureau. If a municipality files its municipal ordinance violation cases before a municipal judge, such costs shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files its municipal ordinance violations cases in the associate circuit division of the circuit court, such costs shall not exceed the court costs authorized by subsection 2 of this section."; and

Further amend said Substitute, Section 488.5025, Page 68, Line 18 by inserting immediately after said Line the following:

"**488.5032. In the event a criminal case is dismissed in a circuit court in this state before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as determined by section 488.012, RSMo, against any defendant if the defendant consents to paying the costs except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.**"; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 595.209, Pages 108 through 112, by inserting after all of said section the following:

"610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be

announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which

the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, 2008;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; **[**and**]**

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body.

Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body**; and**

(22) Records and documents of and pertaining to internal investigations by a law enforcement agency into matters of fitness and conduct of a law enforcement officer employed by such investigating law enforcement agency used solely in connection with matters relating to the employment of such law enforcement officer, and records and documents pertaining to any determinations or actions relating to an officer's employment status taken in connection with or following such investigations. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under section 610.100 shall apply.

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

(a) A decision by the law enforcement agency not to pursue the case;

(b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

(c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;

(4) "Incident report", a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;

(5) "Investigative report", a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties**;**

(6) Investigative reports and incident reports, or other law enforcement records covered under this section, shall not include any records or documents pertaining to internal investigations by law enforcement agencies into matters of fitness and conduct of law enforcement officers employed by such investigating law enforcement agencies and used solely in connection with such officers' employment, as described in subdivision (22) of section 610.021. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports, or other documents covered under this section shall apply.

2. Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such

law enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, RSMo, investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of the information contained in an investigative report be released to the person bringing the action. In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity. The investigative report in question may be examined by the court in camera. The court may find that the party seeking disclosure of the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law

enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566, RSMo, may request that his or her identity be kept confidential until a charge relating to such incident is filed."; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 650.470, Page 118, Line 50 by inserting immediately after said Line the following:

"**Section 1. The University of Missouri Geographic Resources Center shall identify, by using geographic information system technology, any sexual offender who is in violation of section 566.147 and shall publish an annual study that includes such information. Such annual study shall be provided to the state highway patrol for distribution to all law enforcement agencies in this state.**"; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 566.226, Page 81, Line 10 by inserting immediately after said Line the following:

"568.045. 1. A person commits the crime of endangering the welfare of a child in the first degree if:

(1) The person knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years old; or

(2) The person knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) The person knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

(4) Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person, in the presence of a person less than seventeen years of age or in a residence

where a person less than seventeen years of age resides, unlawfully manufactures, or attempts to manufacture compounds, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. **Except as provided in subsection 3 of this section** endangering the welfare of a child in the first degree is a class C felony unless the offense is committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which case the crime is a class B felony.

3. Endangering the welfare of a child in the first degree when committed under subdivision (1) of subsection 1 of this section, and when the manner in which such person acts to create a substantial risk to the life, body, or health of a child is by shaking a child under the age of five by the arms, legs, chest, or shoulders, is a felony for which the authorized term of imprisonment is any term of years but not less than fifteen years."; and

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

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 84.160, Page 9, Line 71 by inserting immediately after said Line the following:

"**172.755. The University of Missouri shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The university shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a supplemental fee to cover the cost of performing the check. The university shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo.**

174.459. Each state college or university governed by this chapter shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The college or university shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a supplemental fee to cover the cost of performing the check. The college or university shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo."; and

Further amend said Substitute, Section 174.712, Page 10, Line 5 by inserting immediately after said Line the following:

"**175.075. Lincoln University shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The university shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a supplemental fee to cover the cost of performing the check. The university shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo.**

178.645. Linn State Technical College shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The college shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a

supplemental fee to cover the cost of performing the check. The college shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo.

178.965. Each community college or junior college governed by this chapter shall perform a check of the state sex offender registry for each applicant for student housing to determine whether the applicant has been adjudicated a sex offender, as defined in section 589.400, RSMo. The college shall require that each application for student housing be accompanied by the identifying information necessary to perform the check and a supplemental fee to cover the cost of performing the check. The college shall not grant student housing to any person required to be registered as a sex offender under sections 589.400 to 589.425, RSMo."; and

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

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 311.326, Page 64, Line 17 by inserting immediately after said Line the following:

"**407.485. 1. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items for profit unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "DONATIONS ARE NOT FOR CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT".**

2. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items where some or all of the proceeds from the sale are directly given to a not for profit entity unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: " DONATIONS TO THE FOR PROFIT COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of proceeds donated to the not for profit) % OF ALL PROCEEDS ARE DONATED TO (name of the non-profit beneficiary organization's name)."

3. It shall be an unfair business practice, in violation of section 407.020 for a for profit entity or natural person to collect donations of unwanted household items via a public receptacle and resell the donated items, where such for profit entity is paid a flat fee, not contingent upon the proceeds generated by the sale of the collected goods, and 100% of the proceeds from the sale of the items are given directly to the not for profit, unless the donation receptacle prominently displays a statement in bold letters at least two inches high and two inches wide stating: "THIS DONATION RECEPTACLE IS OPERATED BY THE FOR PROFIT ENTITY: (name of the for profit/individual) ON BEHALF of (name of the non-profit beneficiary organization's name)".

4. Nothing in section 407.485 shall apply to paper, glass, or aluminum products that are donated for the purpose of being recycled in the manufacture of other products.

5. Any entity which, on or before June 1, 2007, has distributed one hundred or more separate public receptacles within the state of Missouri to which the provisions of subsections or 3 of this section would apply, shall be deemed in compliance with the signage requirements imposed by this section until February 28, 2008, provided such entity has made or is making

good faith efforts to bring all signage in compliance with the provisions of this section and all such signage is in complete compliance no later than February 28, 2008."; and

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

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 210.1012, Page 48, Line 27 by inserting immediately after said Line the following:

"**217.145. The department of corrections shall establish and maintain on the department's Internet web site a listing of all victims' rights under chapter 595, RSMo, which involve the department.**"; and

Further amend said Substitute, Section 595.209, Page 109, Lines 36-50 by deleting all of said Lines and inserting in lieu thereof the following:

"(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape**, counsel or a representative designated by the victim** in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings **[**and**] ,** the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape**, counsel or a representative designated by the victim** in lieu of a personal appearance, **the right to have upon written request of the victim, a partition set up in the probation or parole hearing room, set up in such a way that the victim is shielded from the view of the probationer or parolee, the right to be notified of the hearing, and the right to be notified, in writing, of each of these rights at the time of notice for probation revocation hearings and parole revocation hearings,** and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape**, counsel or a representative designated by the victim** in lieu of personal appearance**. If a victim's request to have a partition set up in the hearing room cannot be accommodated at the time of the scheduled hearing, the hearing shall be delayed for not more than thirty days until such time as a partition is set up for the hearing**;"; and

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

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section A, Pages 1 and 2 Line 22 by inserting after all of said section and line the following:

"**41.970. 1. As used in this section the following terms shall mean:**

(1) "Civil air patrol", the civilian auxiliary of the United States Air Force established by the United States Congress in 36 U.S.C. Section 40301 et seq. and 10 U.S.C. Section 9441 et seq. Civil air patrol missions include search and rescue, disaster relief, and aerial reconnaissance;

(2) "Office of air search and rescue", as established by section 41.960, within military division of the executive department, office of adjutant general, the wing commander of Missouri wing, civil air patrol; Missouri wing emergency service personnel; and others as

necessary for duties assigned to the office.

2. The civil air patrol may be used to support national guard missions in support of civil authorities or in support of noncombatant national guard missions, and to support state agencies under memorandums of understanding (MOU) or agreements established between the agencies and the civil air patrol.

3. Requests for activation or support of the civil air patrol shall be made to the commander of the Missouri wing of the civil air patrol. Missions shall be in accordance with laws and regulations applicable to the United States Air Force and the civil air patrol. Prior to activation of the civil air patrol, the adjutant general or the Missouri civil air patrol wing commander shall apply to the Air Force Rescue Coordination Center, the Air Force National Security Emergency Preparedness agency, or the civil air patrol national operations center for federal mission status and funding.

4. If an operation or mission of the civil air patrol is granted funded federal mission status and assigned an accompanying federal mission number, the following shall apply:

(1) The operation or mission shall be funded by the federal government;

(2) When training or operating under a federal mission number, the members of the civil air patrol shall be considered federal employees for the purposes of tort claims and workers' compensation arising from the performance of the mission or any actions incident to the performance of the mission.

5. If an operation or mission of the civil air patrol is not granted federal mission status and is not assigned an accompanying federal mission number, the following shall apply:

(1) Except for missions and operations supporting the office of adjutant general, all requests for activation and authorization for any mission or operation of the civil air patrol on behalf of state agencies shall first be approved by the department director of the requesting agency, the adjutant general and the commissioner of administration;

(2) Operations and administration of the civil air patrol relating to missions within the state and for state agencies not qualifying for funded federal mission status shall be funded by the state from moneys appropriated to the requesting state agency for that purpose;

(3) When performing a mission within the state and for state agencies that does not qualify for funded federal mission status, members of the civil air patrol shall be considered state employees for purposes of the state legal expense fund as provided under section 105.711, RSMo, and for purposes of workers' compensation coverage, as provided under section 105.810, RSMo;

(4) The procedures in this section apply to any civil air patrol personnel and aircraft from any state that are flying or otherwise supporting missions for Missouri state agencies;

(5) Notwithstanding the provisions of this section to the contrary, emergency operations or missions as determined by the commander of the Missouri wing of the civil air patrol and approved by the adjutant general may be conducted pending funding authorization for federal, state, or other sources."; and

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

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 565.182, Page 80, Line 9 by inserting immediately after said Line the following:

"566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or

nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors**, or any offense committed in another state, or any federal offense, or any military offense which, if committed in this state, would be a violation of any offense listed in this subsection**; shall not reside within one thousand feet of any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth grade, or child-care facility as defined in section 210.201, RSMo, which is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child-care facility, notify the county sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child-care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class D felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class D felony."; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 16

Amend House Amendment No. 16 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 1, Section 198.097, Lines 10-19, and page 2, line 1-12 by deleting said lines and inserting in lieu thereof the following:

198.097. **1.** Any person who assumes the responsibility of managing the financial affairs of an elderly **or disabled** person who is a resident of **[**a nursing home**] any facility licensed under chapter 198**, shall be guilty of a class D felony if such person misappropriates the funds and fails to pay for the **[**nursing home**] facility** care of the elderly **or disabled** person. **For the purposes of this section, a person assumes the responsibility of managing the financial affairs of an elderly or disabled person when he or she receives, has access to, handles or controls the elderly or disabled person's monetary funds, including but not limited to Social Security income, pension, cash or other resident income.**

2. Evidence of misappropriating funds and failing to pay for the care of an elderly or disabled person may include, but shall not be limited to proof that the facility has sent, by certified mail with confirmation receipt requested, notification of failure to pay facility care expenses incurred by a resident to the person who has assumed responsibility of

managing the financial affairs of the resident.

3. Nothing in subsection 2 of this section shall be construed as limiting the investigations or prosecutions of violations of subsection 1 of this section or the crime of financial exploitation of an elderly or disabled person as defined by section 570.145, RSMo.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 195.017, Page 39, Line 648, by inserting the following after all of said line:

"**22. Logs of transactions required to be kept and maintained by this section and section 195.417, shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.**"; and,

Further amend said substitute, Section 195.552, Page 47, Line 11, by inserting the following after all of said line:

"198.097. **1.** Any person who assumes the responsibility of managing the financial affairs of an elderly person who is a resident of a nursing home **[**shall be**] is** guilty of a class D felony if such person misappropriates the funds and fails to pay for the nursing home care of the elderly person.

2. It shall be evidence of misappropriating funds and failing to pay for the nursing home care of an elderly person if:

(1) The nursing home sends written notification of failure to pay nursing home expenses incurred by an elderly resident to the person who has assumed responsibility of managing the financial affairs of the elderly person;

(2) The nursing home does not receive payment within thirty days of such person receiving actual notice in writing for the first time and the nursing home sends a second written notification of failure to pay nursing home expenses;

(3) The nursing home does not receive payment within thirty days of such person receiving actual notice in writing for the second time and the nursing home sends a third and final written notification of failure to pay nursing home expenses; and

(4) The nursing home does not receive payment within thirty days of such person receiving actual notice in writing for the third and final time.

As used in this subsection, "actual notice in writing" means notice of the nonpayment which is actually received by the person who has assumed responsibility of managing the financial affairs of an elderly person. Such notice may include, but shall not be limited to, notice by certified mail, return receipt requested."; and,

Further amend said substitute, Section 573.037, Page 82, Line 7, by inserting the following after all of said line:

"575.065. 1. A person commits the crime of obstruction of justice if such person, with the intent to prevent the apprehension or obstruct the prosecution or defense of any person, knowingly commits any of the following acts:

(1) Destroys, alters, conceals, or disguises physical evidence, plants false evidence, furnishes false information; or

(2) Induces a witness having knowledge material to the subject at issue to leave the state or conceal himself or herself; or

(3) Possessing knowledge material to the subject at issue he or she leaves the state or conceals himself or herself.

2. Obstruction of justice is a class A misdemeanor unless the actor obstructs prosecution or defense of a felony in which case it is a class D felony.

575.070. No person shall be convicted of a violation of sections 575.040, 575.050 **[**or**] ,** 575.060**, or 575.065** based upon the making of a false statement except upon proof of the falsity of the statement by:

(1) The direct evidence of two witnesses; or

(2) The direct evidence of one witness together with strongly corroborating circumstances; or

(3) Demonstrative evidence which conclusively proves the falsity of the statement; or

(4) A directly contradictory statement by the defendant under oath together with

(a) The direct evidence of one witness; or

(b) Strongly corroborating circumstances; or

(5) A judicial admission by the defendant that he **or she** made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he **or she** made the statement knowing it was false may constitute strongly corroborating circumstances."; and,

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

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 577.023, Page 90, Line 124 by inserting immediately after said line the following:

"**577.024. When a person is convicted of an intoxication-related traffic offense the following penalties apply when the person's blood, breath, or urine was sixteen-hundredths of one percent or more based on the definition of blood, breath, saliva, or urine units in section 577.012:**

(1) A person who is convicted of an intoxication-related traffic offense a first time, in addition to any other penalty that may be imposed, is subject to a mandatory minimum of one hundred hours of community service and a minimum fine of five hundred dollars;

(2) A person who is convicted of an intoxication-related traffic offense a second time within a ten-year period, in addition to any other penalty that may be imposed, is subject to a mandatory minimum of two days of imprisonment and a minimum fine of one thousand two hundred fifty dollars;

(3) A person who is convicted of an intoxication-related traffic offense a third time within a twenty-year period is guilty of a Class B felony and, in addition to any other penalty that may be imposed, is subject to a mandatory minimum of ninety days of imprisonment and a minimum fine of two thousand five hundred dollars;

(4) A person who is convicted of an intoxication-related traffic offense a fourth or subsequent time, in addition to any other penalty that may be imposed, is not eligible for a sentence of probation or condition discharge and is subject to a minimum fine of two thousand five hundred dollars."; and

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

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 311.326, Page 64, Line 17 by inserting after all of said line the following:

"407.300. 1. Every **purchaser or** collector of**,** or dealer in junk**, scrap metal,** or any secondhand property shall keep a register **[**which shall contain the name and address of the person from whom**] containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving** any

copper**, aluminum** wire or cable **[**is purchased**]**, whatever may be the condition or length of such **[**copper wire or cable**] metal. The record shall contain the following data: A copy of the operator's license or other state-issued or federally issued form of identification of the person from whom the material is obtained**; **[**the residence or place of business and driver's license number of such person;**] the date, time, and place of and** a full description of each **such** purchase **or trade** including the quantity by weight thereof**[**; and shall permit any peace officer to inspect the register at any reasonable time**]**.

2. **The records required under this section shall be maintained for a minimum of twenty-four months from when such material is obtained and shall be available for inspection by any law enforcement agent.**

3. Anyone convicted of violating this section shall be **[**fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both**] guilty of a class A misdemeanor**.

4. This section shall not apply to any of the following transactions:

(1) Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars or fifty pounds, whichever is greater;

(2) Any transaction in which the seller is an established scrap metal dealer that operates a business with a fixed location that can be reasonably identified as a scrap metal dealer;

(3) Any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or

(4) Any transaction for which the type of metal subject to subsection 1 of this section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power."; and

Further amend said bill, Section 570.040, Page 82, Line 16 by inserting after all of said line the following:

"**570.055. Any person who steals or appropriates, without consent of the owner, any energized or live wire, electrical transformer, or any other device that at the time of the theft is conducting electricity shall be guilty of a class D felony.**"; and

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

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 304.230, Page 57, Line 54 by inserting after all of said line the following:

"**Commercial vehicle officers selected and designated as peace officers by the superintendent of the Missouri state highway patrol are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests solely for violations under the powers granted in subdivisions (1) to (3) of this subsection.** "; and

Further amend said section, Page 57, Line 57 by inserting after the word "patrol" on said line the following

"**and have completed the mandatory standards for the basic training and licensure of peace officers established by the peace officers standards and training commission under subsection 1 of section 590.030, RSMo. Commercial vehicle officers who are employed and performing their duties on August 28, 2007,**

shall have until July 1, 2011, to comply with the mandatory standards regarding police officer basic training and licensure."; and

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

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 81, Section 566.148, Line 19, by inserting after all of said section the following:

"**566.150 1. Any person who has pleaded guilty to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing pornographic material to minors; shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen years of age is a member.**

2. The first violation of the provisions of this section shall be a class A misdemeanor.

3. Any second or subsequent violation of this section shall be a class D felony."; and

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

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 409.6-604, Page 66, Line 60 by inserting immediately after said Line the following:

"427.225. 1. Deceptive use of a financial institution's name in notification or solicitation occurs when a business, or a person acting on its behalf, engages in the following activity:

(1) Through advertisement, solicitation, or other notification, either verbally or through any other means, informs a consumer of the availability of any type of goods or services that are not free;

(2) The name of an unrelated and unaffiliated financial institution is mentioned in any manner;

(3) The goods or services mentioned are not actually provided by the unrelated and unaffiliated financial institution whose name is mentioned;

(4) The business on whose behalf the notification or solicitation is made does not have a consensual right to mention the name of the unrelated and unaffiliated financial institution; and

(5) Neither the actual name nor trade name of the business on whose behalf the notification or solicitation is being made is stated, nor the actual name or trade name of any actual provider of the goods or services is stated, so as to clearly identify for the consumer a name that is distinguishable and separate from the name of the unrelated and unaffiliated financial institution whose name is mentioned in any manner in the notification or solicitation, and thereby a misleading implication or ambiguity is created, such that a consumer who is the recipient of the advertisement, solicitation or notification may reasonably but erroneously believe:

(a) That the goods or services whose availability is mentioned are made available by or through the unrelated and unaffiliated financial institution whose name is mentioned; or

(b) That the unrelated and unaffiliated financial institution whose name is mentioned is the one communicating with the consumer.

2. Deceptive use of another's name in

notification or solicitation occurs when a business, or a person acting on its behalf, engages in the following activity:

(1) Falsely states or implies that any person, product or service is recommended or endorsed by a named third-person financial institution; or

(2) Falsely states that information about the consumer including but not limited to the name, address, or phone number of the consumer has been provided by a third-person financial institution, whether that person is named or unnamed.

3. **[**Only**]** The financial institution whose name is deceptively used, as provided in this section, may bring a private civil action and recover a minimum amount of ten thousand dollars, court costs, and attorney fees plus any damages such financial institution may prove at trial.

4. For the purposes of this section, a financial institution includes a commercial bank, savings and loan association, savings bank, credit union, mortgage banker, or consumer finance company, or an institution chartered pursuant to the provisions of an act of the United States known as the Farm Credit Act of 1971.

5. Nothing contained in this section shall bar the attorney general from enforcing the provisions of sections 407.010 to 407.145, RSMo."; and

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

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 544.157, Page 69, Line 43 by inserting immediately after said Line the following:

"544.560. **1. Except as provided in subsection 2 of this section,** when any sheriff or other officer shall arrest a party by virtue of a warrant upon an indictment, or shall have a person in custody under a warrant of commitment on account of failing to find conditions for release as provided in section 544.455, and the conditions for release required are specified on the warrant, or if the case is a misdemeanor, such officer may set the conditions for release, and discharge the person so held from actual custody.

2. Subject to the provisions of section 544.170, no peace officer may release any person arrested for manufacturing or attempting to manufacture a controlled substance pursuant to section 195.211, RSMo, or violating subsection 8 of section 195.222, RSMo, or violating subsection 9 of section 195.223, RSMo, from custody until the person appears before a judge.

3. In determining bond and other conditions of release, the judge shall consider any evidence that the person is in any manner dependent upon a controlled dangerous substance or has a pattern of regular, illegal use of any controlled dangerous substance. A rebuttable presumption that no conditions of release on bond would assure the safety of the community or any person therein shall arise if the state shows by a preponderance of the evidence that:

(1) The person was arrested for manufacturing or attempting to manufacture a controlled substance pursuant to section 195.211, RSMo, or violating subsection 8 of section 195.222, RSMo, or violating subsection 9 of section 195.223, RSMo; and

(2) The person is in any manner dependent upon a controlled dangerous substance or has a pattern of regular, illegal use of a controlled substance, and the person violating either statute referred to in subdivision (1) of this subsection committed or attempted to commit the violation to maintain or facilitate the person's dependence or pattern of illegal use."; and

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

HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 577.029, Page 92, Line 2 by inserting after the word "his" the following:

"**or her**"; and

Further amend said Substitute, said Section, said Page, Line 4 by inserting immediately after the word "his" the following:

"**or her**"; and

Further amend said Substitute, said Section, said Page, Line 12 by inserting immediately after the word "him" the following:

"**or her**"; and

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

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 221.040, Page 49, Line 21 by inserting immediately after said Line the following:

"221.515. **1.** Any person designated a jailer under the provisions of this chapter shall have the power to serve **[**an arrest warrant**] civil process and arrest warrants** on any person who **surrenders himself or herself to the facility under an arrest warrant or** is already an inmate in the custody of the facility in or at which such jailer is employed.

2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.

3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law."; and

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

HOUSE AMENDMENT NO. 29

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 10, Section 174.712, Line 5, by inserting after all of said line the following:

"188.080. **1. Notwithstanding any other provision of law to the contrary that may allow a non-physician to provide services related to pregnancy (including prenatal, delivery, and post partum services),** any person who is not a physician who performs or induces or attempts to perform or induce an abortion on another is guilty of a class B felony, and, upon conviction, shall be punished as provided by law.

2. Any physician performing or inducing an abortion who does not have clinical privileges at a hospital which offers obstetrical or gynecological care located within thirty miles of the location at which the abortion is performed or induced shall be guilty of a class A misdemeanor, and, upon conviction shall be punished as provided by law."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Page 50, Section 287.067, Line 46, by inserting after all of said line the

following:

"**287.243. 1. Sections 287.243 and 287.245 shall be known and may be cited as the "Line of Duty Compensation Act".**

2. As used in sections 287.243 and 287.245, unless otherwise provided, the following words shall mean:

(1) "Aviation medical crew member", a person serving as a flight paramedic, a flight nurse, or as a pilot in command;

(2) "Department of corrections employee" or "juvenile justice employee", supervisors, wardens, superintendents and their assistants, guards and keepers, correctional officers, youth supervisors, parole agents, school teachers, correctional counselors, or any employee having daily contact with inmates in any facility of either the department of corrections or within the juvenile justice system;

(3) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, RSMo, and by rules adopted by the department of health and senior services under sections 190.001 to 190.245, RSMo;

(4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as, or otherwise serving as, a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(5) "Killed in the line of duty", when any individual defined in this section loses one's life as a result of injury received in the active performance of duties in his or her respective profession, if the death occurs within three hundred weeks from the date the injury was received and if that injury arose from violence of another or accidental cause subject to the provisions of paragraph (a) and (b) of this subdivision. The term excludes death resulting from the willful misconduct or intoxication of the officer, emergency medical technician, paramedic, firefighter, aviation medical crew member, juvenile justice employee, or department of corrections employee. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

(a) For juvenile justice employees and department of corrections employees, the death shall be caused by the direct or indirect willful act of an inmate, work releasee, parolee, parole violator, person under conditional release, or any person sentenced or committed, or otherwise subject to confinement by the department of corrections or juvenile justice employees while the individual is within the facilities under the control of the department of corrections or the juvenile justice system, the individual is in the act of transporting inmates from one location to another, or the individual is performing any other official duty;

(b) For firefighters, law enforcement officers, emergency medical technicians, aviation medical crew members, and paramedics, the death shall be caused by accident or as a result of a willful act of violence committed by a person other than the officer, firefighter, emergency medical technician, aviation medical crew member, or paramedic, and a relationship exists between the commission of such act and the individual's performance of his or her duties as a law enforcement officer, firefighter, emergency medical technician, aviation medical crew member, or paramedic, regardless of whether the injury is received while the individual is on duty; the injury is received by a law enforcement officer while he or she is attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime, regardless of whether the

injury is received while the individual is on duty as a law enforcement officer; or the injury is received by the individual while traveling to or from his or her employment or during any meal break, or other break, which takes place during the period in which the law enforcement officer, firefighter, emergency medical technician, aviation medical crew member, or paramedic is on duty;

(6) "Law enforcement officer" or "officer", any person employed by the state or a local governmental entity as a policeman, peace officer, auxiliary policeman or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(7) "Local governmental entity", includes counties, municipalities, fire protection districts, and municipal corporations;

(8) "Paramedic", an emergency medical technician paramedic certified by the department of health and senior services of the state;

(9) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(10) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed with the division of workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, paramedic, aviation medical crew member, firefighter, juvenile justice employee, or department of corrections employee killed in the line of duty. A claim may be filed by a person who, at the time of injury, is a dependent or spouse of the deceased, or if such person is an incapacitated or disabled person, or a minor, by the person's parent, conservator, or guardian on behalf of the eligible claimant. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, paramedic, aviation medical crew member, firefighter, juvenile justice employee, or department of corrections employee killed in the line of duty, compensation shall be paid if the claim is found to be compensable under sections 287.243 and 287.245, by the division of workers' compensation from the line of duty compensation fund established in section 287.245 to the claimant.

(2) The amount of compensation paid to the spouse or dependent shall be one hundred thousand dollars, subject to appropriations, paid from the line of duty compensation fund established in section 287.245 for death occurring on or after January 1, 2009.

4. A burial benefit of up to a maximum of ten thousand dollars, subject to appropriations paid from the line of duty compensation fund established under section 287.245, shall be payable to the surviving spouse, dependent, or estate of a law enforcement officer, firefighter, emergency medical technician, paramedic, aviation medical crew member, juvenile justice employee, or department of corrections employee, who is killed in the line of duty on or after the effective date of this section.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time

specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the officer, emergency medical technician, paramedic, aviation medical crew member, firefighter, juvenile justice employee, or department of corrections employee was serving at the time of his or her death;

(2) The names and addresses of the dependents or spouse making a claim to receive the compensation;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Any person seeking compensation under the provisions of sections 287.243 and 287.245, who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

8. Under section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

287.245. 1. There is hereby established in the state treasury, the "Line of Duty Compensation Fund". Funds transferred to the line of duty compensation fund shall be made from general revenue and appropriated solely for the purpose set out in section 287.243. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. The division of workers' compensation shall annually submit to the governor and members of the general assembly by February first of each year, a report containing a full and complete account of compensation payments made from the line of duty compensation fund.

3. All compensation paid under sections 287.243 and 287.245 and all appropriations for administration of sections 287.243 and 287.245 shall be made from the line of duty compensation fund. Any unexpended balance remaining in the line of duty compensation fund at the end of each year, apart from any balance remaining in the subaccount retained in subsection 4 of this section shall,

notwithstanding the provisions of section 33.080, RSMo, be transferred to the general revenue fund. In the event that there are insufficient funds in the line of duty compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the line of duty compensation fund, then no claim shall be paid until funds have again accumulated in the line of duty compensation fund. When sufficient funds become available from the fund, compensation which has not been paid shall be paid in chronological order with the oldest paid first. In the event compensation was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available, that compensation shall be paid in full. All such compensation on which installments remain due shall be paid in full in chronological order before any other postdated compensation shall be paid. Any compensation pursuant to this subsection is specifically not a claim against the state if it cannot be paid due to a lack of funds in the line of duty compensation fund.

4. Any gifts, contributions, grants, or federal funds specifically given to the division of workers' compensation for the benefit of claimants under sections 287.243 and 287.245 shall be credited to and retained in a subaccount of the line of duty compensation fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance remaining in this subaccount at the end of the biennium shall not revert to the general revenue fund."; and

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

HOUSE AMENDMENT NO. 33

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 429, Section 488.5025, Page 68, Line 18 by inserting immediately after said line the following:

"516.190. **1.** Whenever a cause of action has been fully barred by the laws of the state, territory or country in which it originated, said bar shall be a complete defense to any action thereon, brought in any of the courts of this state.

2. Notwithstanding any other provision of law, whenever a judgment has been fully barred by the laws of the state, territory or county in which it originated, said bar shall be a complete defense to any action to enforce or revive a judgment registered thereon in this state pursuant to section 577.760, RSMo or any other applicable law, or to any action to enforce to revive any judgment obtained pursuant to an action to enforce that original judgment, and no execution, order, or process shall issue thereon, nor shall any suit be brought, had or maintained thereon for any purposes whatsoever. Said bar shall be a complete defense to the enforcement of any lien resulting from any such judgment and shall cause said lien to expire and not be subject to revival.

3. The provisions of subsection 2 shall not apply to any judgment, order or decree awarding child support or maintenance which mandates the making of payments over a period of time."; and

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

In which the concurrence of the Senate is respectfully requested.

Senator Shields requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **HCS** for **SS** for **SCS** for **SB 577**, as amended, to meet while the Senate is in session, which request was denied.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 364** to the Committee on Governmental

Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

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

RESOLUTIONS

Senator Graham offered Senate Resolution No. 1366, regarding Tim Baldwin, which was adopted.

Senator Vogel offered Senate Resolution No. 1367, regarding Daniel Joseph A. Young, Jefferson City, which was adopted.

Senator Graham offered Senate Resolution No. 1368, regarding Dr. Deb Corkery, Columbia, which was adopted.

Senator Kennedy offered Senate Resolution No. 1369, regarding Timothy L. Ryan, Oakville, which was adopted.

Senator Smith offered Senate Resolution No. 1370, regarding Ann Collins, St. Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 1371, regarding Greg Dunmore Jr., Waynesville, which was adopted.

Senator Barnitz offered Senate Resolution No. 1372, regarding Jordan Cera, Waynesville, which was adopted.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 159**, and grant the House a conference thereon and further that the conferees are allowed to exceed the differences so as to exclude second, third and fourth class counties from the entire bill and that the conferees be bound thereto, which motion prevailed.

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 780**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 22**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon.

Senator Shields announced that photographers from KTVI-TV were given permission to take pictures in the Senate Chamber today.

Senator Engler assumed the Chair.

At the request of Senator Griesheimer, the above motion was withdrawn.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 30**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 30

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 30, with House Amendment Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, as amended, House Amendment No. 8, House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment Nos. 10, 11, 12, 13, 14, 15, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 16, House Substitute Amendment No. 1 for House Amendment No. 16, House Amendment No. 16, as amended, and House Amendment No. 17, begs leave to report that we, after free and fair discussion of the differences,

have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 30, as amended;

2. That the Senate recede from its position on Senate Bill No. 30;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 30, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Gary Nodler	/s/ Bryan P. Stevenson
/s/ Robert Mayer	/s/ Mike Sutherland
/s/ John E. Griesheimer	/s/ Shannon Cooper
/s/ Ryan McKenna	/s/ Rachel L. Bringer
/s/ Wes Shoemyer	/s/ Clint Zweifel

Senator Rupp assumed the Chair.

Senator Nodler moved that the above conference committee report be adopted.

At the request of Senator Nodler, the above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 22**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 159**: Senators Engler, Lager, Griesheimer, Green and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 780**, as amended: Senators Scott, Nodler, Engler, Green and Kennedy.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HJR 7**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HJR 7** was again taken up.

At the request of Senator Engler, **HJR 7**, with **SCS** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Nodler moved that the conference committee report on **HCS** for **SB 30**, as amended, be again taken up for adoption, which motion prevailed.

Senator Nodler moved that the conference committee report on **HCS** for **SB 30**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Bray	Justus	Purgason—3

Absent—Senators—None

Absent with leave—Senator Graham—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **HCS** for **SB 30**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 30

An Act to repeal sections 67.1360, 71.011, 71.012, 135.030, 144.030, 144.083, 144.518, 208.750, 238.410, 320.093, and 390.030, RSMo, and to enact in lieu thereof twenty-two new sections relating to taxation.

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

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Mayer	McKenna	Nodler
Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

NAYS—Senators

Bray	Justus	Loudon	Purgason
Scott—5			

Absent—Senators—None

Absent with leave—Senator Graham—1

Vacancies—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Gibbons moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 429**, as amended and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Goodman, 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 **HCS** for **HBs 952** and **674**, with **SCS** and **HCS** for **HB 338**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Crowell moved that the Senate refuse to adopt the conference committee report on **HCS** for **SCS** for **SB 308**, as amended, and request the House to grant the Senate a further conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 619** and **118**, with **SCS**, was placed on the Informal Calendar.

HB 215, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 457**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 227** was placed on the Informal Calendar.

HCS for **HB 338**, with **SCS**, was placed on the Informal Calendar.

HB 647 was placed on the Informal Calendar.

HB 70 was placed on the Informal Calendar.

HB 213, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 952** and **674**, with **SCS**,

entitled:

An Act to repeal sections 198.073, 198.076, 198.079, and 198.086, RSMo, and to enact in lieu thereof nine new sections relating to fire protection in long-term care facilities.

Was taken up by Senator Goodman.

SCS for **HCS** for **HBs 952** and **674**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 952 & 674

An Act to repeal sections 198.073 and 198.086, RSMo, and to enact in lieu thereof five new sections relating to protection of vulnerable persons in long-term care facilities, with a termination date for a certain section.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HBs 952** and **674** be adopted.

Senator Goodman offered **SS** for **SCS** for **HCS** for **HBs 952** and **674**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 952 & 674

An Act to repeal sections 198.073, 198.076, 198.079, 198.086, and 320.202, RSMo, and to enact in lieu thereof eight new sections relating to protection of vulnerable persons in long-term care facilities, with a termination date for a certain section.

Senator Goodman moved that **SS** for **SCS** for **HCS** for **HBs 952** and **674** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 14, Section 198.076, Lines 17-19, by deleting all of said line;

and further amend said bill, section 198.079, page 15, lines 24-26 of said page, by deleting all of said line.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 9, Section 198.074, Line 14 of said page, by inserting immediately following the word "facilities" on said line "with more than thirty residents".

Senator Stouffer moved that the above amendment be adopted.

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

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 1, Section 198.074, Line 3, by striking "thirty" and inserting in lieu thereof "**twenty**".

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

SA 2, as amended, was again taken up.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 952 and 674, Page 21, Section 1, Line 9, by inserting

immediately after the opening quotation mark ""“" the following: "**Electrician/Sprinkler and**"; and further amend line 19, by inserting immediately after "as" the following: "**electrician/sprinkler and**"; and further amend line 23, by inserting immediately after the word "for" the following: "**electrician/sprinkler and**".

Senator Green moved that the above amendment be adopted.

Senator Lager offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Pages 21-22, Section 1, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 952 and 674, Page 9, Section 198.074, Line 26, by striking the second comma on said line and inserting in lieu thereof a period; and further amend Lines 27-28 by striking all of said lines from the bill; and further amend said bill and section, page 10, lines 1-6 by striking all of said lines from the bill; and

Further renumber the remaining subsections accordingly.

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

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 10, Section 198.074, Lines 7-28, by deleting said lines;

And further amend same section, page 11, line 1-8; and renumber subsequent subsections of said section accordingly.

And further amend page 12, section 198.075, line 21, by deleting said section in its entirety;

And further amend the title and enacting clause accordingly.

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

Senator Gibbons offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 952 and 674, Page 11, Section 198.074, Line 8, by adding at the end of said line the following:

"**(4) No payments or interest shall be due until the average total reimbursement rate for the care of persons eligible for Medicaid public assistance is equal to or greater than forty-eight dollars.**"

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

Senator Goodman moved that **SS** for **SCS** for **HCS** for **HBs 952** and **674**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SS** for **SCS** for **HCS** for **HBs 952** and **674**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Rupp	Scott	Shields
Shoemyer	Stouffer	Vogel	Wilson—32

NAYS—Senator Smith—1

Absent—Senator Ridgeway—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

Senator Goodman 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 granted the Senate further conference on **HCS** for **SCS** for **SB 64**, as amended.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons reappointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 64**, as amended: Senators Goodman, Shields, Mayer, Smith and Wilson.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Samuel Rusee, Ross Bohle, Jamielee Buenemann and Meranda Hoemann, Washington; and Samuel, Ross, Jamielee and Meranda were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jeffrey L. Craver, M.D., St. Louis.

Senator Scott introduced to the Senate, Nick Self and Harper and Eli Schroder, Benton County; and Nick, Harper and Eli were made honorary pages.

Senator Scott introduced to the Senate, Kristen and Chase Lackey, Cedar County; and Kristen and Chase were made honorary pages.

Senator Goodman introduced to the Senate, Jonathan Ratliff, Blue Eye.

Senator Shields introduced to the Senate, fourth grade students from English Landing Elementary School, Kansas City; and Jacob Barnes, Chaynelle Smith, Erica Timmerman and Katrina Kaltefleiter were made honorary pages.

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

SENATE CALENDAR

SEVENTY-SECOND DAY–WEDNESDAY, MAY 16, 2007

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

1. SB 571-Mayer, with SCS

2. SB 652-Coleman and Gibbons, with SCS

3. SB 699-Lager, with SCS
4. SB 11-Coleman, with SCS
5. SB 536-Lager, with SCS
6. SB 552-Bartle
7. SB 484-Stouffer, with SCS
8. SBs 348, 626 & 461-Koster, et al, with SCS
9. SJR 15-Green
10. SB 629-Smith, with SCS
11. SB 122-Bray and Days, with SCS
12. SB 491-Ridgeway

HOUSE BILLS ON THIRD READING

HCS for HB 364 (Purgason)
(In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon
SS#4 for SCS for SB 430-Shields
SS for SB 570-Clemens

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS
SB 17-Shields, with SCS
SB 20-Griesheimer, with SCS
SB 27-Bartle and Koster
SB 53-Koster and Engler, with SCS
SB 101-Mayer
SB 131-Rupp
SB 153-Engler, et al, with SCS
SB 155-Engler, with SCS & SS for SCS (pending)
SB 160-Rupp, with SCS
SB 168-Mayer and Crowell, with SCS, SS for SCS & SA 1 (pending)
SB 169-Rupp, with SCS, SS for SCS & SA 3 (pending)
SB 205-Stouffer and Gibbons, with SCS
SB 212-Goodman
SB 213-McKenna
SB 242-Nodler, with SCS
SB 250-Ridgeway and Vogel
SB 252-Ridgeway and McKenna
SB 254-Nodler, et al, with SCS
SBs 260 & 71-Koster, et al, with SCS
SB 274-Shields
SB 282-Griesheimer, with SCS & SS for SCS (pending)
SB 287-Crowell and Vogel, with SS (pending)
SB 292-Mayer
SB 297-Loudon, with SCS
SB 300-Bartle
SB 341-Goodman, with SCS
SB 363-Bartle
SB 364-Koster, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)
SBs 370, 375 & 432-Scott and Koster, with SCS & SA 5 (pending)
SBs 372 & 366-Justus and Koster, with SCS
SB 385-Gibbons, with SCS
SB 388-Mayer, with SCS
SB 400-Crowell, et al

SB 444-Goodman
SB 453-Scott, with SCS
SB 458-Gibbons
SB 476-Crowell
SB 480-Ridgeway, et al, with SCS
SB 492-Crowell
SB 499-Engler and Clemens, with SCS
SB 511-Scott, with SCS
SB 521-Lager, et al, with SCS
SB 523-Scott, with SCS
SB 531-Gibbons, with SCS
SB 534-Nodler
SB 537-Lager
SB 542-Scott, with SCS
SBs 555 & 38-Gibbons, with SCS
SB 563-Lager, with SCS & SS for SCS (pending)
SB 572-Vogel
SB 586-Crowell, with SCS
SB 592-Scott, with SCS
SB 599-Engler, with SCS
SB 627-Ridgeway
SB 635-Loudon, with SCS
SB 644-Griesheimer
SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)
HB 42-Portwood, with SCS (Koster)
HB 46-Viebrock and Stevenson (Stouffer)
HB 69-Day, with SCS (Barnitz)
HB 70-Day, et al (Rupp)
HCS for HB 74 (Scott)
HCS for HB 98 (Scott)
HB 125-Franz, with SCS (Shoemyer)
HCS for HB 135, with SCS (Koster)
HB 155-Dusenberg, et al (Ridgeway)
HCS for HB 165, with SCS (Griesheimer)
HCS for HB 184 (Rupp)
HB 213-Cunningham (86), et al, with SCS (Rupp)
HB 215-Stevenson, et al, with SCS (Goodman)
HCS for HB 227 (Mayer)
HCS for HB 245 (Stouffer)
SS for HB 265-Cunningham (86) (Rupp)
HB 267-Jones (117) and Cunningham (86), with SA 5 (pending) (Rupp)
HB 269-Nolte, et al (Ridgeway)
HCS for HB 329, with SCS (Scott)
HCS for HB 338, with SCS (Engler)
HCS for HB 346 (Clemens)
HCS for HB 431, with SCS (Goodman)
HB 454-Jetton, et al (Mayer)
HCS for HB 457, with SCS (Griesheimer)
HB 462-Munzlinger, et al (Purgason)
HCS for HB 469, with SCS (Crowell)
HB 482-Walton, et al (Goodman)
HB 489-Baker (123), et al, with SCS (Shields)
HB 526-Pratt (Loudon)
HB 527-Cooper (120) (Scott)
HCS for HB 551, with SCS & SS for SCS (pending) (Koster)
HCS for HB 583, with SCS (Gibbons)
HB 596-St. Onge, with SCS (Stouffer)
HCS for HBs 619 & 118, with SCS (Griesheimer)
HCS for HB 620, with SCS (Ridgeway)
HB 647-Young, et al (Clemens)
HCS for HBs 654 & 938 (Crowell)
HB 686-Smith (150) and Tilley (Stouffer)
HCS for HB 741 (Koster)
HCS for HB 774 (Crowell)
HB 801-Kraus, et al, with SCS (Engler)
HCS for HB 820, with SA 2 & SSA 1 for SA 2 (pending) (Engler)
HCS for HB 827, with SCS (Justus)
HCS for HB 845 (Crowell)

HB 875-Franz, with SCS (Crowell)
HCS for HB 894, with SCS & SS for SCS (pending) (Days)
HCS for HB 914 (Scott), with SS & SA 5 (pending)
HB 1014-Wright, et al, with SCS (Mayer)
HCS for HB 1055, with SCA 1 (Scott)
HCS for HJR 1, with SCS (Rupp)
HJR 7-Nieves, et al, with SCS (pending) (Engler)
HJR 19-Bearden, et al (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 384-Coleman and Gibbons, with HCS, as amended
SB 666-Scott, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended (Senate adopted CCR and passed CCS)
SB 30-Nodler and Ridgeway, with HCS, as amended (Senate adopted CCR and passed CCS)
SCS for SBs 62 & 41-Goodman and Koster, with HCS, as amended (Senate adopted CCR and passed CCS)
SCS for SB 64-Goodman and Koster, with HCS, as amended (Further conference granted)
SB 81-Griesheimer, with HCS, as amended (Senate adopted CCR and passed CCS)
SCS for SB 82-Griesheimer, with HCS, as amended (Senate adopted CCR and passed CCS)

SB 84-Champion, with HCS, as amended (Senate adopted CCR and passed CCS)
SCS for SB 86-Champion, with HCS, as amended
SCS for SB 156-Engler, with HCS, as amended
SCS for SB 308-Crowell, et al, with HCS, as amended (Senate requests House grant further conference)
SB 406-Crowell, with HCS#2, as amended (Senate adopted CCR#2 and passed CCS#2)
SB 416-Goodman, with HCS (Senate adopted CCR and passed CCS)
SS for SCS for SB 577-Shields, with HCS, as amended
HCS for HB 159, with SCS (Engler)
HB 255-Bruns, with SS for SCS, as amended (Vogel)
HB 488-Wasson, with SA 1 (Stouffer) (House adopted CCR and passed CCS)
HB 574-St. Onge, with SA 1 & SA 3 (Stouffer)
HB 665-Ervin, et al, with SS, as amended (Ridgeway)
HCS for HB 780, with SS for SCS, as amended (Scott)

Requests to Recede or Grant Conference

SS for SCS for SB 22-Griesheimer, with HCS, as amended (Senate requests House recede or grant conference)
SS for SCS for SB 429-Gibbons, with HCS, as amended (Senate requests House recede or grant conference)

RESOLUTIONS

Reported from Committee

HCR 15-Threlkeld, et al, with SCS (Shields)
SCR 10-Koster and Shields
HCR 25-Yates, et al (Bartle)
HCR 30-Pratt, et al (Koster)
HCR 11-Ervin and Flook (Ridgeway)
HCR 8-Loehner, et al (Barnitz)
SCR 9-Crowell
SCR 20-Crowell
HCR 24-Wilson (130), et al (Mayer)
HCR 16-Deeken (Gibbons)
HCR 17-Fisher, et al