

# Journal of the Senate

SECOND REGULAR SESSION

---

**SIXTY-FIFTH DAY—THURSDAY, MAY 3, 2012**

---

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I arise today through the power of God: God’s might to comfort me, God’s wisdom to guide me, God’s eye to look before me, God’s ear to hear me, God’s word to speak for me...” (The Lorica of St. Patrick)

Dear Lord, You are an awesome God who has created us so our minds, bodies and souls are interconnected and what affects one part touches the others. So we are thankful for even a quiet moment like this in conversation with You for it dissipates some of the stress we experience this time of year. Help us to take more such moments so we may be healthier and more effective in what is ahead of us. And Father we join our nation on this National Day of Prayer in asking Your blessings and guidance for our nation as we deal with conflict within and threats from without. Help us truly be “one nation under God” and follow You as we must. 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

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Curls offered Senate Resolution No. 2073, regarding Dr. Marjorie Williams, which was adopted.

Senator Rupp offered Senate Resolution No. 2074, regarding J. Neal Ethridge, Springfield, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Mayer, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

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

Mark W. Smith, as a member of the Midwestern Higher Education Compact;

Also,

Don W. Cook, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Michael Pfander, Republican, as a member of the Missouri Veterinary Medical Board;

Also,

Robert Shotts, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

John Munich, Democrat, as a member of the Missouri Ethics Commission.

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

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

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred

**HCR 42**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### HOUSE BILLS ON THIRD READING

Senator Dixon moved that **HB 1135**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

Senator Pearce assumed the Chair.

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

Senator Dixon offered **SA 2**:

### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1135, Page 1, Section A, Line 3, by inserting after all of said line the following:

“161.092. The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;

(5) Require of county clerks or treasurers, boards of education or other school officers, recorders and treasurers of cities, towns and villages, copies of all records required to be made by them and all other information in relation to the funds and condition of schools and the management thereof that is deemed necessary;

(6) Provide blanks suitable for use by officials in reporting the information required by the board;

(7) When conditions demand, cause the laws relating to schools to be published in a separate volume, with pertinent notes and comments, for the guidance of those charged with the execution of the laws;

(8) Grant, without fee except as provided in section 168.021, certificates of qualification and licenses to teach in any of the public schools of the state, establish requirements therefor, formulate regulations governing the issuance thereof, and cause the certificates to be revoked for the reasons and in the manner provided in section 168.071;

(9) Classify the public schools of the state, subject to limitations provided by law **and subdivision (14) of this section**, establish requirements for the schools of each class, and formulate rules governing the

inspection and accreditation of schools preparatory to classification, with such requirements taking effect not less than two years from the date of adoption of the proposed rule by the state board of education, provided that this condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or state law;

(10) Make an annual report on or before the first Wednesday after the first day of January to the general assembly or, when it is not in session, to the governor for publication and transmission to the general assembly. The report shall be for the last preceding school year, and shall include:

(a) A statement of the number of public schools in the state, the number of pupils attending the schools, their sex, and the branches taught;

(b) A statement of the number of teachers employed, their sex, their professional training, and their average salary;

(c) A statement of the receipts and disbursements of public school funds of every description, their sources, and the purposes for which they were disbursed;

(d) Suggestions for the improvement of public schools; and

(e) Any other information relative to the educational interests of the state that the law requires or the board deems important;

(11) Make an annual report to the general assembly and the governor concerning coordination with other agencies and departments of government that support family literacy programs and other services which influence educational attainment of children of all ages;

(12) Require from the chief officer of each division of the department of elementary and secondary education, on or before the thirty-first day of August of each year, reports containing information the board deems important and desires for publication;

(13) Cause fifty copies of its annual report to be reserved for the use of each division of the state department of elementary and secondary education, and ten copies for preservation in the state library;

**(14) Promulgate rules under which the board shall classify the public schools of the state. Said rules shall include but not be limited to the standards, appropriate scoring guides, forms, instruments, and procedures used in determining the accreditation status of a district. The board shall make classification and accreditation determinations consistent with said rules, and shall not deviate from said rules without properly promulgating such rules pursuant to the provisions of chapter 536;**

(15) Have other powers and duties prescribed by law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dixon moved that **SCS for HB 1135**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS for HB 1135**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager

Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson
Wright-Jones—33							

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

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

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

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

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 467**, entitled:

An Act to repeal section 37.850, RSMo, and to enact in lieu thereof two new sections relating to the transparency and accountability of public funds, with an emergency clause.

With House Amendment Nos. 1, 2, 4, 5 and 6.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 2, Section 37.850, Lines 15-20 by deleting all of said lines; 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. 467, Page 2, Section 37.850, Line 20, by inserting after all of said section and line, the following:

**“620.007. The department of economic development shall require start-up companies that apply for economic development incentives, where the incentive is provided up-front, to provide verification of financial information when an application for such incentives is submitted to the department. In complying with this section, the department shall define “start-up company”.**

**620.009. 1. The department of economic development shall share either by electronic copy of the original source or as close as a reproduction as possible all adverse information it has about a company seeking state and local economic development incentives with all local governments, local not-for-profit economic development organizations, and economic development officials competing**

for the company's business.

**2. Local governments, local not-for-profit economic development organizations, and economic development officials working with a company seeking state or local economic development incentives shall also share with the department of economic development all adverse information received about a company.**

**3. In complying with the provisions of this section, all adverse information received about a company seeking state or local economic development incentives shall be subject to the provisions of section 620.014.**

**4. In working with local governments, local not-for-profit economic development organizations, and economic development officials on projects, the department of economic development shall designate one or more persons as the local contact for each project. The designated contacts shall be the persons through whom all information required in this section shall be provided. Such persons shall be required to sign a nondisclosure agreement agreeing not to divulge information, including company name, acquired about an applicant for economic development incentives to the general public.**

**5. In complying with the provisions of this section, no person or entity shall be required to violate terms of another nondisclosure agreement related to the project, except that the department of economic development shall not enter into a nondisclosure agreement that forbids sharing of adverse information under this section.**

**620.019. The department of economic development shall develop a rating system to apprise local governments of the department's opinion on proposals for discretionary economic development incentives that combine local and state resources.**

**Section 1. The department of economic development shall include a conflict of interest policy in all new consulting contracts for trade offices located in foreign countries.”; 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. 467, Page 1, In the Title, Line 2, by inserting immediately after “RSMo,” the following: “and section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session,”; and

Further amend said bill and page, section A, Line 1, by inserting immediately after “RSMo,” the following: “and section 141.530 as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 141.530 as enacted by conference committee substitute no. 2 for house committee substitute for senate bill no. 778, eighty-ninth general assembly, second regular session,”; and

Further amend said bill, page 2, section 37.850, line 20, by inserting immediately after said section and line the following:

“141.210. Sections 141.210 to 141.810 **and sections 141.980 to 141.1015** shall be known by the short title of “Land Tax Collection Law”.

141.220. The following words, terms and definitions, when used in sections 141.210 to 141.810 **and sections 141.980 to 141.1015**, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

(1) **“Ancillary parcel” shall mean a parcel of real estate acquired by a land bank agency other than:**

**(a) Pursuant to a deemed sale under subsection 3 of section 141.560;**

**(b) By deed from a land trust under subsection 1 of section 141.984; or**

**(c) Pursuant to a sale under subdivision (2) of subsection 2 of section 141.550;**

(2) “Appraiser” shall mean a state licensed or certified appraiser licensed or certified pursuant to chapter 339 who is not an employee of the collector or collection authority;

[(2)] (3) **“Board” or “board of commissioners” shall mean the board of commissioners of a land bank agency;**

(4) “Collector” shall mean the collector of the revenue in any county affected by sections 141.210 to 141.810 **and sections 141.980 to 141.1015;**

[(3)] (5) “County” shall mean any county [of the first class] in this state having a charter form of government, any county of the first class [not having a charter form of government] with a population of at least one hundred fifty thousand but less than one hundred sixty thousand and any county of the first class [not having a charter form of government] with a population of at least eighty-two thousand but less than eighty-five thousand;

[(4)] (6) “Court” shall mean the circuit court of any county affected by sections 141.210 to 141.810 **and sections 141.980 to 141.1015;**

[(5)] (7) “Delinquent land tax attorney” shall mean a licensed attorney-at-law, employed or designated by the collector as hereinafter provided;

[(6)] (8) **“Land bank agency”, shall mean an agency created under section 141.980;**

(9) “Land taxes” shall mean taxes on real property or real estate and shall include the taxes both on land and the improvements thereon;

[(7)] (10) “Land trustees” and “land trust” shall mean the land trustees and land trust as the same are created by and described in section 141.700;

[(8)] (11) “Municipality” shall include any incorporated city or town, or a part thereof, located in whole or in part within a county of class one **or located in whole or in part within a county with a charter form of government**, which municipality now has or which may hereafter contain a population of two thousand five hundred inhabitants or more, according to the last preceding federal decennial census;

[(9)] (12) “Person” shall mean any individual, male or female, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court, trustee otherwise created, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

[(10)] **(13) “Political subdivision” shall mean any county, city, town, village, school district, library district, or any other public subdivision or public corporation having the power to tax;**

**(14) “Reserve period taxes” shall mean land taxes assessed against any parcel of real estate sold or otherwise disposed of by a land bank agency for the first three tax years following such sale or disposition;**

**(15) “School district”, “road district”, “water district”, “sewer district”, “levee district”, “drainage district”, “special benefit district”, “special assessment district”, or “park district” shall include those located within a county as such county is described in [subdivision (3) of] this section;**

[(11)] **(16) “Sheriff” and “circuit clerk” shall mean the sheriff and circuit clerk, respectively, of any county affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015;**

[(12)] **(17) “Tax bill” as used in sections 141.210 to 141.810 and sections 141.980 to 141.1015 shall represent real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;**

[(13)] **(18) “Tax district” shall mean the state of Missouri and any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, located in any municipality or county as herein described;**

[(14)] **(19) “Tax lien” shall mean the lien of any tax bill as defined in [subdivision (12) of] this section;**

[(15)] **(20) “Taxing authority” shall include any governmental, managing, administering or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of Missouri or any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, affected by sections 141.210 to 141.810 and sections 141.980 to 141.1015.**

141.250. 1. The respective liens of the tax bills for general taxes of the state of Missouri, the county, any municipality and any school district, for the same tax year, shall be equal and first liens upon the real estate described in the respective tax bills thereof; provided, however, that the liens of such tax bills for the latest year for which tax bills are unpaid shall take priority over the liens of tax bills levied and assessed for less recent years, and the lien of such tax bills shall rate in priority in the order of the years for which they are delinquent, the lien of the tax bill longest delinquent being junior in priority to the lien of the tax bill for the next most recent tax year.

2. All tax bills for other than general taxes shall constitute liens junior to the liens for general taxes upon the real estate described therein; provided, however, that a tax bill for other than general taxes, of the more recent issue shall likewise be senior to any such tax bill of less recent date.

3. The proceeds derived from the sale of any lands encumbered with a tax lien or liens, or held by the land trustees, **or acquired by a land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550** shall be distributed to the owners of such liens in the order of the seniority of the liens, or their respective interests as shown by the records of the land trust **or the land bank agency**. Those holding liens of equal rank shall share in direct proportion to the amounts of their respective liens.

141.290. 1. The collector shall compile lists of all state, county, school, and other tax bills collectible



by him which are delinquent according to his records and he shall combine such lists with the list filed by any taxing authority or tax bill owner.

2. The collector shall assign a serial number to each parcel of real estate in each list and if suit has been filed in the circuit court of the county on any delinquent tax bill included in any list, the collector shall give the court docket number of such suit and some appropriate designation of the place where such suit is pending, and such pending suit so listed in any petition filed pursuant to the provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.1015** shall, without further procedure or court order, be deemed to be consolidated with the suit brought under sections 141.210 to 141.810 **and sections 141.980 to 141.1015**, and such pending suit shall thereupon be abated.

3. The collector shall deliver such combined lists to the delinquent land tax attorney from time to time but not later than April the first of each year.

4. The delinquent land tax attorney shall incorporate such lists in petitions in the form prescribed in section 141.410, and shall file such petitions with the circuit clerk not later than June first of each year.

141.300. 1. The collector shall receipt for the aggregate amount of such delinquent tax bills appearing on the list or lists filed with him under the provisions of section 141.290, which receipt shall be held by the owner or holder of the tax bills or by the treasurer or other corresponding financial officer of the taxing authority so filing such list with the collector.

2. The collector shall, on or before the fifth day of each month, file with the owner or holder of any tax bill or with the treasurer or other corresponding financial officer of any taxing authority, a detailed statement, verified by affidavit, of all taxes collected by him during the preceding month which appear on the list or lists received by him, and shall, on or before the fifteenth day of the month, pay the same, less his commissions and costs payable to the county, to the tax bill owner or holder or to the treasurer or other corresponding financial officer of any taxing authority; provided, however, that the collector shall be given credit for the full amount of any tax bill which is bid in by the land trustees and where title to the real estate described in such tax bill is taken by the land trust, **or which is bid in by a land bank agency and where title to the real estate described in such tax bill is taken by such land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, or which is included in the bid of a land bank agency and where title to the real estate described in such tax bill is taken by such land bank agency pursuant to a sale under subdivision (2) of subsection 2 of section 141.550.**

141.320. 1. The collector shall at his option appoint a delinquent land tax attorney at a compensation of ten thousand dollars per year, or in counties having a county counselor, the collector shall at his option designate the county counselor and such of his assistants as shall appear necessary to act as the delinquent land tax attorney.

2. A delinquent land tax attorney who is not the county counselor, with the approval of the collector, may appoint one or more assistant delinquent land tax attorneys at salaries of not less than two hundred dollars and not more than four hundred dollars per month, and such clerical employees as may be necessary, at salaries to be fixed by the collector at not less than three hundred dollars and not more than four hundred dollars per month; and the appointed delinquent tax attorney may incur such reasonable expenses as are necessary for the performance of his duties.

3. The delinquent land tax attorney and his assistants shall perform legal services for the collector and shall act as attorney for him in the prosecution of all suits brought for the collection of land taxes; but they

shall not perform legal services for the land trust **or any land bank agency.**

4. Salaries and expenses of a delinquent land tax attorney who is not also the county counselor, his assistants and his employees shall be paid monthly out of the treasury of the county from the same funds as employees of the collector whenever the funds provided for by sections 141.150, 141.270, and 141.620 are not sufficient for such purpose.

5. The compensation herein provided shall be the total compensation for a delinquent land tax attorney who is not also a county counselor, his assistants and employees, and when the compensation received by him or owing to him by the collector exceeds ten thousand dollars in any one calendar year by virtue of the sums charged and collected pursuant to the provisions of section 141.150, the surplus shall be credited and applied by the collector to the expense of the delinquent land tax attorney and to the compensation of his assistants and employees, and any sum then remaining shall be paid into the county treasury on or before the first day of March of each year and credited to the general revenue fund of the county.

6. A delinquent land tax attorney who is not also the county counselor shall make a return quarterly to the county commission of such county of all compensation received by him, and of all amounts owing to him by the collector, and of all salaries and expenses of any assistants and employees, stating the same in detail, and verifying such amounts by his affidavit.

141.410. 1. A suit for the foreclosure of the tax liens herein provided for shall be instituted by filing in the appropriate office of the circuit clerk a petition, which petition shall contain a caption, a copy of the list so furnished to the delinquent land tax attorney by the collector, and a prayer. Such petition without further allegation shall be deemed to be sufficient.

2. The caption shall be in the following form:

In the Circuit Court of . . . . . County, Missouri,  
In the Matter of  
Foreclosure of Liens for Delinquent Land Taxes  
By Action in Rem.  
Collector of Revenue of . . . County, Missouri,  
Plaintiff

-vs.-

Parcels of Land Encumbered with Delinquent Tax Liens  
Defendants.

3. The petition shall conclude with a prayer that all tax liens upon such real estate be foreclosed; that the court determine the amounts and priorities of all tax bills, together with interest, penalties, costs, and attorney's fees; that the court order such real estate to be sold by the sheriff at public sale as provided by sections 141.210 to 141.810 **and sections 141.980 to 141.1015** and that thereafter a report of such sale be made by the sheriff to the court for further proceedings under sections 141.210 to 141.810 **and sections 141.980 to 141.1015.**

4. The delinquent land tax attorney within ten days after the filing of any such petition, shall forward by United States registered mail to each person or taxing authority having filed a list of delinquent tax bills with the collector as provided by sections 141.210 to 141.810 **and sections 141.980 to 141.1015** a notice of the time and place of the filing of such petition and of the newspaper in which the notice of publication

has been or will be published.

5. The petition when so filed shall have the same force and effect with respect to each parcel of real estate therein described, as a separate suit instituted to foreclose the tax lien or liens against any one of said parcels of real estate.

141.480. 1. Upon the trial of the cause upon the question of foreclosure, the tax bill, whether general or special, issued by any taxing authority shall be prima facie proof that the tax described in the tax bill has been validly assessed at the time indicated by the tax bill and that the tax is unpaid. Absent any answer the court shall take the allegations of the petition as confessed. Any person alleging any jurisdictional defect or invalidity in the tax bill or in the sale thereof must particularly specify in his answer the defect or basis of invalidity, and must, upon trial, affirmatively establish such defense.

2. Prior to formal hearing, the court may conduct an informal hearing for the purpose of clarifying issues, and shall attempt to reach an agreement with the parties upon a stipulated statement of facts. The court shall hear the evidence offered by the collector or relator as the case may be, and by all answering parties, and shall determine the amount of each and every tax bill proved by the collector or any answering party, together with the amount of interest, penalties, attorney's fees and costs accruing upon each tax bill and the date from which interest began to accrue upon each tax bill and the rate thereof. The court shall hear evidence and determine every issue of law and of fact necessary to a complete adjudication of all tax liens asserted by any and every pleading, and may also hear evidence and determine any other issue of law or fact affecting any other right, title, or interest in or to, or lien upon, such real estate, sought to be enforced by any party to the proceeding against any other party to the proceeding who has been served by process or publication as authorized by law, or who has voluntarily appeared, and shall determine the order and priority of the liens and of any other rights or interest put in issue by the pleadings.

3. After the court has first determined the validity of the tax liens of all tax bills affecting parcels of real estate described in the petition, the priorities of the respective tax bills and the amounts due thereon, including principal, interest, penalties, attorney's fees, and costs, the court shall thereupon enter judgment of foreclosure of such liens and fix the time and place of the foreclosure sale. The petition shall be dismissed as to any parcel of real estate redeemed prior to the time fixed for the sheriff's foreclosure sale as provided in sections 141.210 to 141.810 **and sections 141.980 to 141.1015**. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for a sum sufficient to fully pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and for no more, and such sale is confirmed by the court, then all other proceedings as to such parcels of real estate shall be finally dismissed as to all parties and interests other than tax bill owners or holders; provided, however, that any parties seeking relief other than an interest in or lien upon the real estate may continue with said suit to a final adjudication of such other issues; provided, further, an appeal may be had as to any claim attacking the validity of the tax bill or bills or the priorities as to payment of proceeds of foreclosure sale. If the parcel of real estate auctioned off at sheriff's foreclosure sale is sold for a sum greater than the total amount necessary to pay the principal amount of all tax bills included in the judgment, together with interest, penalties, attorney's fees and costs, and such sale is confirmed by the court, and no appeal is taken by any person claiming any right, title or interest in or to or lien upon said parcel of real estate or by any person or taxing authority owning or holding or claiming any right, title or interest in or to any tax bills within the time fixed by law for the filing of notice of appeal, the court shall thereupon order the sheriff to make distribution to the owners or holders of the respective tax bills included in the judgment of the amounts found to be due and in the order of priorities. Thereafter all proceedings in the suit shall be ordered by the

court to be dismissed as to such persons or taxing authorities owning, holding or claiming any right, title, or interest in any such tax bill or bills so paid, and the case shall proceed as to any parties claiming any right, title, or interest in or lien upon the parcel of real estate affected by such tax bill or bills as to their respective claims to such surplus funds then remaining in the hands of the sheriff.

4. Whenever an answer is filed to the petition, as herein provided, a severance of the action as to all parcels of real estate affected by such answer shall be granted, and the issues raised by the petition and such answer shall be tried separate and apart from the other issues in the suit, but the granting of such severance shall not delay the trial or other disposition of any other issue in the case. A separate appeal may be taken from any action of the court affecting any right, title, or interest in or to, or lien upon, such real estate, other than issues of law and fact affecting the amount or validity of the lien of tax bills, but the proceeding to foreclose the lien of any tax bills shall not be stayed by such appeal. The trial shall be conducted by the court without the aid of a jury and the suit shall be in equity. This action shall take precedence over and shall be triable before any other action in equity affecting the title to such real estate, upon motion of any interested party.

141.530. 1. Except as otherwise provided in section 141.520, during such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by this chapter. During such waiting period and at any time prior to the time of foreclosure sale by the sheriff, the collector may, at the option of the party entitled to redeem, enter into a written redemption contract with any such party interested in any parcel of real estate, providing for payment in installments, monthly or bimonthly, of the delinquent tax bills, including interest, penalties, attorney's fees and costs charged against such parcel of real estate, provided, however, that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments shall have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with an assessed valuation of not more than three thousand five hundred dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments shall have been made.

2. So long as such installments be paid according to the terms of the contract, the said six months waiting period shall be extended, but if any installment be not paid when due, the extension of said waiting period shall be ended without notice, and the real estate shall forthwith be advertised for sale or included in the next notice of sheriff's foreclosure sale.

[3. No redemption contracts may be used under this section for residential property which has been vacant for at least six months in any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand.]

[141.530. 1. Except as otherwise provided in section 141.520, during such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by this chapter. During such waiting period and at any time prior to the time of foreclosure sale by the sheriff, the collector may, at the option of the party entitled to redeem, enter into a written redemption contract with any such party interested in any parcel of real estate, other than a residential property which has been vacant for at least six months, providing for

payment in installments, monthly or bimonthly, of the delinquent tax bills, including interest, penalties, attorney’s fees and costs charged against such parcel of real estate, provided, however, that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with an assessed valuation of not more than three thousand five hundred dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on the individual’s behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments being made.

2. So long as such installments are paid according to the terms of the contract, the six-month waiting period shall be extended, but if any installment is not paid when due, the extension of such waiting period shall be ended without notice, and the real estate shall forthwith be advertised for sale or included in the next notice of sheriff’s foreclosure sale.]

141.540. 1. In any county at a certain front door of whose courthouse sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell the respective parcels of real estate ordered sold by him or her pursuant to any judgment of foreclosure by any court pursuant to sections 141.210 to 141.810 at any of such courthouses, but the sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form:

NOTICE OF SHERIFF’S SALE  
UNDER JUDGMENT OF  
FORECLOSURE OF LIENS FOR  
DELINQUENT LAND TAXES

No. . . . .

In the Circuit Court of . . . . .  
County, Missouri.

In the Matter of Foreclosure of Liens  
for Delinquent Land Taxes  
Collector of Revenue of . . . . .  
County, Missouri,

Plaintiff,

vs.

Parcels of Land encumbered with  
Delinquent Tax Liens,  
Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney’s fees and costs with the serial numbers of each parcel of real estate, the description thereof, the

name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I . . . . ., Sheriff of . . . . . County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the . . . . . front door of the . . . . . County Courthouse in . . . . ., Missouri, on . . . . ., the . . . . . day of . . . . ., 20.., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of . . . . . (insert name of County), Missouri **or Land Bank of the City of . . . . . (insert name of municipality), Missouri.**

Any bid received shall be subject to confirmation by the court.

.....  
Sheriff of .....  
County,  
Missouri

.....  
Delinquent Land Tax Attorney  
Address: .....

First Publication .....,  
20. . .

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

4. In addition to the provisions herein for notice and advertisement of sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment of delinquent taxes at a sale to be held at ten o'clock a.m., date and place, and shall also contain a file number and the address and phone number of the collector. If the collector chooses to post such notices as authorized by this subsection, such posting must be made not later than the fourteenth day prior to the date of the sale.

5. The collector shall, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last known persons in whose names tax bills affecting the respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said

records of the collector. The terms “restricted”, “registered” or “certified mail” as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, “DELIVER TO ADDRESSEE ONLY”, and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of sale that are undeliverable because of an addressee’s refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his or her option, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of such mortgagee or security holder according to the records of the collector. The terms “restricted”, “registered” or “certified mail” as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, “DELIVER TO ADDRESSEE ONLY”, and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee’s refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

141.550. 1. The sale shall be conducted, the sheriff’s return thereof made, and the sheriff’s deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale pursuant to this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o’clock a.m. and five o’clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality. **Notwithstanding this provision, any taxing authority or land bank agency shall be eligible to bid at any sale conducted under this section without making such a demonstration.**

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his or her accounts with the county. The collector shall give credit in such accounts for all such advances recovered by him or her. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

141.560. 1. If, when the sheriff offers the respective parcels of real estate for sale, there be no bidders for any parcel, or there be insufficient time or opportunity to sell all of the parcels of real estate so advertised, the sheriff shall adjourn such sale from day to day at the same place and commencing at the same hour as when first offered and shall announce that such real estate will be offered or reoffered for sale at such time and place.

2. **With respect to any parcel of real estate not located wholly within a municipality that is an appointing authority under section 141.981**, in the event no bid equal to the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon shall be received at such sale after any parcel of real estate has been offered for sale on three different days, which need not be successive, the land trustees shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due, and if no other bid be then received by the sheriff in excess of the bid of the trustees, and the sheriff shall so announce at the sale, then the bid of the trustees shall be announced as accepted. The sheriff shall report any such bid or bids so made by the land trustees in the same way as his report of other bids is made. **The land trust shall pay any penalties, attorney's fees or costs included in the judgment of foreclosure of such parcel of real estate, when such parcel is sold or otherwise disposed of by the land trust. Upon confirmation by the court of such bid at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees as "canceled by sale to the land trust" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his statements with any other taxing authorities.**

3. [The land trustees shall pay any penalties, attorney's fees or costs included in the judgment of



foreclosure of such parcel of real estate, when such parcel is sold or otherwise disposed of by the land trustees, as herein provided. Upon confirmation by the court of such bid at such sale by such land trustees, the collector shall mark the tax bills so bid by the land trustees as “canceled by sale to the land trust” and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney’s fees, and costs, on his books and in his statements with any other taxing authorities.] **With respect to any parcel of real estate located wholly within a municipality that is an appointing authority under section 141.981, in the event no bid equal to the full amount of all tax bills included in the judgment, interest, penalties, attorney’s fees and costs then due thereon shall be received at such sale after such parcel of real estate has been offered for sale on three different days, which need not be successive, the land bank agency for which said municipality is an appointing authority shall be deemed to have bid the full amount of all tax bills included in the judgment, interest, penalties, attorney’s fees and costs then due, and the sheriff shall so announce at the sale, then the bid of the land bank agency shall be announced as accepted. The sheriff shall report any such bid or bids so made by such land bank agency in the same way as his report of other bids is made. Upon confirmation by the court of such bid at such sale by such land bank agency, the collector shall mark the tax bills so bid by such land bank agency as “canceled by sale to the land bank” and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney’s fees, and costs, on his books and in his statements with any other taxing authorities.**

141.570. 1. The title to any real estate which shall vest in the land trust under the provisions of sections 141.210 to 141.810 **and sections 141.980 to 141.1015** shall be held by the land trust of such county in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure. **The title to any real estate acquired by a land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 shall be held in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure.**

2. The title to any real estate which shall vest in any purchaser, upon confirmation of such sale by the court, shall be an absolute estate in fee simple, subject to rights-of-way thereon of public utilities on which tax has been otherwise paid, and subject to any lien thereon of the United States of America, if any, and all persons, including the state of Missouri, infants, incapacitated and disabled persons as defined in chapter 475, and nonresidents who may have had any right, title, interest, claim, or equity of redemption in or to, or lien upon, such lands, shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, and the court shall order immediate possession of such real estate be given to such purchaser; provided, however, that such title shall also be subject to the liens of any tax bills which may have attached to such parcel of real estate prior to the time of the filing of the petition affecting such parcel of real estate not then delinquent, or which may have attached after the filing of the petition and prior to sheriff’s sale and not included in any answer to such petition, but if such parcel of real estate is **deemed** sold to the land trust **pursuant to subsection 2 of section 141.560, or deemed sold to a land bank agency pursuant to subsection 3 of section 141.560, or sold to a land bank agency pursuant to subdivision (2) of subsection 2 of section 141.550,** the title thereto shall be free of any such liens to the extent of the interest of any taxing authority in such real estate; provided further, that such title shall not be subject to the lien of special tax bills which have attached to the parcel of real estate prior to November 22, 1943, but the lien of such special tax bills shall attach to the proceeds of the sheriff’s sale or to the proceeds of the

ultimate sale of such parcel by the land trust **or land bank agency**.

141.580. 1. After the sheriff sells any parcel of real estate, the court shall, upon its own motion or upon motion of any interested party, set the cause down for hearing to confirm the foreclosure sale thereof, even though such parcels are not all of the parcels of real estate described in the notice of sheriff's foreclosure sale. At the time of such hearing, the sheriff shall make report of the sale, and the court shall hear evidence of the value of the property offered on behalf of any interested party to the suit, and shall forthwith determine whether an adequate consideration has been paid for each such parcel.

2. For this purpose the court shall have power to summon any city or county official or any private person to testify as to the reasonable value of the property, and if the court finds that adequate consideration has been paid, [he] **the court** shall confirm the sale and order the sheriff to issue a deed to the purchaser. If the court finds that the consideration paid is inadequate, **the court shall confirm the sale if** the purchaser [may increase] **increases** his bid to such amount as the court [may deem] **deems** to be adequate[, whereupon the court may confirm the sale. If, however,] **and makes such additional payment, or if all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon are not paid in full by one or more interested parties to the suit. If the court finds that the consideration is inadequate, but** the purchaser declines to increase his bid **to such amount as the court deems adequate** and make such additional payment, then the sale shall be disapproved **if all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon are paid in full by one or more interested parties to the suit**, the lien of the judgment continued, and such parcel of real estate shall be again advertised and offered for sale by the sheriff to the highest bidder at public auction for cash at any subsequent sheriff's foreclosure sale. Unless the court requires evidence of the value of the property conveyed to land trust **or a land bank agency**, none shall be required, and the amount bid by the land trustees **or such land bank agency** shall be deemed adequate consideration.

3. **Except as otherwise provided in subsection 6 of section 141.984**, if the sale is confirmed, the court shall order the proceeds of the sale applied in the following order:

(1) To the payment of the costs of the publication of the notice of foreclosure and of the sheriff's foreclosure sale;

(2) To the payment of all costs including appraiser's fee [not to exceed fifteen dollars] and attorney's fees;

(3) To the payment of all tax bills adjudged to be due in the order of their priority, including principal, interest and penalties thereon.

If, after such payment, there is any sum remaining of the proceeds of the sheriff's foreclosure sale, the court shall thereupon try and determine the other issues in the suit in accordance with section 141.480. If any answering parties have specially appealed as provided in section 141.570, the court shall retain the custody of such funds pending disposition of such appeal, and upon disposition of such appeal shall make such distribution. If there are not sufficient proceeds of the sale to pay all claims in any class described, the court shall order the same to be paid pro rata in accordance with the priorities.

4. If there are any funds remaining of the proceeds after the sheriff's sale and after the distribution of such funds as herein set out and no person entitled to any such funds, whether or not a party to the suit, shall, within two years after such sale, appear and claim the funds, they shall [escheat to the state as provided by law] **be distributed to the appropriate taxing authorities**.

141.720. 1. The land trust shall be composed of three members, one of whom shall be appointed by the county, **as directed by the county** executive, or if the county does not have a county executive, **as directed by the county commission of the county**, one of whom shall be appointed by [the city council of that city] **the municipality** in the county which **is not an appointing authority under section 141.981 and** then has the largest population according to the last preceding federal decennial census, and one of whom shall be appointed by [the board of directors of] the school district **in the county which is not an appointing authority under section 141.981 and** then has the largest population according to such census in the county. **If any appointing authority under this section fails to make any appointment of a land trustee after any term expires, then the appointment shall be made by the county.**

2. The terms of office of the land trustees shall be for four years each, except the terms of the first land trustees who shall be appointed by the foregoing appointing authorities, respectively, not sooner than twelve months and not later than eighteen months after sections 141.210 to 141.810 take effect; **provided, however, that the term of any land trustee appointed by a municipality or school district that becomes an appointing authority of a land bank agency under section 141.981 shall terminate and such municipality and such school district shall cease to be appointing authorities for such land trust under this section upon the completion of all transfers to the land bank agency from the land trust required under subsection 1 of section 141.984 or one year after the effective date of the ordinance or resolution establishing the land bank agency, whichever is the first to occur.**

3. Each land trustee shall have been a resident of the county for at least five years next prior to appointment, shall not hold other salaried or compensated public office by election or appointment during service as land trustee, the duties of which would in any way conflict with his duties as land trustee, and shall have had at least ten years experience in the management or sale of real estate.

4. Of the first land trustees appointed under sections 141.210 to 141.810, the land trustee appointed by the county commission shall serve for a term ending February 1, 1946, the land trustee appointed by the board of directors of the school district then having the largest population in the county shall serve for a term expiring February 1, 1947, and the land trustee appointed by the city council of the city then having the largest population in the county shall serve for a term expiring February 1, 1948. Each land trustee shall serve until his successor has been appointed and qualified.

5. Any vacancy in the office of land trustee shall be filled for the unexpired term by the same appointing authority which made the original appointment. If any appointing authority fails to make any appointment of a land trustee within the time the first appointments are required by sections 141.210 to 141.810 to be made, or within thirty days after any term expires or vacancy occurs, then the appointment shall be made by the [mayor of that city in the] county [then having the largest population, according to the last preceding federal decennial census].

6. The members shall receive for their services as land trustees a salary of two thousand four hundred dollars per year.

7. Each land trustee may be removed for cause by the respective appointing authority, after public hearing, if requested by the land trustee, and an opportunity to be represented by counsel and to present evidence is afforded the trustee.

141.770. 1. Each annual budget of the land trust shall be itemized as to objects and purposes of expenditure, prepared not later than [December tenth] **October first** of each year with copies delivered to the [county and city that appointed trustee members] **appointing authorities of such land trust under**

**section 141.720**, and shall include therein only such appropriations as shall be deemed necessary to meet the reasonable expenses of the land trust during the forthcoming fiscal year. That budget shall not become the required annual budget of the land trust unless and until it has been approved by the governing bodies of the [county or city that appointed trustee members] **appointing authorities of such land trust under section 141.720**. If [either] **any** of the governing bodies of the [county and city that appointed trustee members] **appointing authorities of such land trust under section 141.720** fail to notify the land trust in writing of any objections to the proposed annual budget on or before [December] **November** twentieth, then such failure or failures to object shall be deemed approval. In the event objections have been made and a budget for the fiscal year beginning January first has not been approved by the governing bodies of the [county and city] **appointing authorities of such land trust under section 141.720** on or before January first, then the budget for the previous fiscal year shall become the approved budget for that fiscal year. Any unexpended funds from the preceding fiscal year shall be deducted from the amounts needed to meet the budget requirements of the forthcoming year.

2. Copies of the budget shall be made available to the public on or before [December] **October** tenth, and a public hearing shall be had thereon prior to [December] **October** twentieth, in each year. The approved and adopted budget may be amended by the trustee members only with the approval of the governing bodies of the [county and city that appointed trustee members] **appointing authorities of such land trust under section 141.720**.

3. If at any time there are not sufficient funds available to pay the salaries and other expenses of such land trust and of its employees, incident to the administration of sections 141.210 to 141.810, including any expenditures authorized by section 141.760, funds sufficient to pay such expenses shall be advanced and paid to the land trust upon its requisition therefor, [fifty] **seven** percent thereof by the county commission of [such] **the county in which such land trust operates**, and the other [fifty] **ninety-three** percent by all of the [municipalities in such county as defined in section 141.220] **taxing authorities in such county that are not appointing authorities for a land bank agency under section 141.981 and all municipalities and school districts in such county that are appointing authorities for a land bank agency under section 141.981 and are appointing authorities for such land trust under section 141.720**, in proportion to [their] **the product of their respective tax levy rates and the assessed valuations [at the time of their last completed assessment for state and county purposes] of the properties then in the land trust inventory located within their respective taxing jurisdictions**. The land trust shall have power to requisition such funds in an amount not to exceed twenty-five percent of the total annual budget of the land trust from such sources for that fiscal year of the land trust for which there are not sufficient funds otherwise available to pay the salaries and other expenses of the land trust, but any amount in excess of twenty-five percent of the total annual budget in any fiscal year may be requisitioned by and paid to the land trust only if such additional sums are agreed to and approved by the county [commission and the respective municipalities in such county so desiring to make such payment] **and such other taxing authorities**. All moneys so requisitioned shall be paid in a lump sum within thirty days after such requisition or the commencement of the fiscal year of the land trust for which such requisition is made, whichever is later, **by the county paying seven percent thereof due from the county under this section and advancing the remaining ninety-three percent due from other taxing authorities under this section on behalf of such other taxing authorities, and such amounts so paid shall be deposited to the credit of the land trust in some bank or trust company, subject to withdrawal by warrant as herein provided. Amounts advanced by the county on behalf of any taxing authority under this section shall be reimbursed to the county upon demand by the county or by the county withholding such amounts from distributions of tax moneys to such**

**taxing authority.**

4. The fiscal year of the land trust shall commence on January first of each year. Such land trust shall audit all claims for the expenditure of money, and shall, acting by the chairman or vice chairman thereof, draw warrants therefor from time to time.

5. No warrant for the payment of any claim shall be drawn by such land trust until such claim shall have been approved by the land commissioner and shall bear the commissioner's certificate that there is a sufficient unencumbered balance in the proper appropriation and sufficient unexpended cash available for the payment thereof. For any certification contrary thereto, such land commissioner shall be liable personally and on the commissioner's official bond for the amounts so certified, and shall thereupon be promptly removed from office by the land trustees.

6. In addition to the annual audit provided for in section 141.760, the land trust may be performance audited at any time by the state auditor or by the auditor of any home rule city with more than four hundred thousand inhabitants and located in more than one county that is a member of the land trust. The cost of such audit shall be paid by the land trust, and copies shall be made available to the public within thirty days of the completion of the audit.

**141.785. 1. The land trust shall be authorized to file an action to quiet title pursuant to section 527.150 as to any real property in which the land trust has an interest. For purposes of any and all such actions the land trust shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land trust as adequate petitioner in such action.**

**2. Prior to the filing of an action to quiet title the land trust shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:**

**(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;**

**(2) In the case of occupied real property by first class mail, addressed to "Occupant";**

**(3) By posting a copy of the notice on the real property;**

**(4) By publication in a newspaper of general circulation in the municipality in which the property is located; and**

**(5) Such other methods as the court may order.**

**3. As part of the petition to quiet title the land trust shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.**

**4. The court shall schedule a hearing on the petition within ninety days following filing of the petition, and as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty days of the filing of the petition.**

**5. The land trust shall be authorized to join in a single petition to quiet title one or more parcels of real property.**

141.790. When any parcel of real estate is sold or otherwise disposed of by the land trust, the proceeds therefrom shall be applied and distributed in the following order:

**(1) To the payment of amounts due from the land trust under subsection 2 of section 141.560 on the sale or other disposition of such parcel;**

**(2) To the payment of the expenses of sale;**

**[(2)] (3) The balance to be retained by the land trust to pay the salaries and other expenses of such land trust and of its employees, incident to the administration of sections 141.210 to 141.810, including any expenditures authorized by section 141.760, as provided for in its annual budget;**

**[(3)] (4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land trust in any fiscal year, and including a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, [may] shall be paid to the respective taxing authorities which, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities; distribution shall be made on January first and July first of each year, and at such other times as the land trustees in their discretion may determine.**

**141.980. 1. Any municipality located wholly or partially within a county in which a land trust created under section 141.700 was operating on January 1, 2012, may establish a land bank agency for the management, sale, transfer, and other disposition of interests in real estate owned by such land bank agency. Any such land bank agency created shall be created to foster the public purpose of returning land, including land that is in a nonrevenue-generating, nontax-producing status, to effective use in order to provide housing, new industry, and jobs for citizens of the establishing municipality, and to create new revenues for such municipality. Such land bank agency shall be established by ordinance or resolution as applicable. Such land bank agency shall not own any interest in real estate that is located wholly or partially outside such establishing municipality.**

**2. The beneficiaries of the land bank agency shall be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by such land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 included in the judgment of the court, and their respective interests in each parcel of real estate shall be to the extent and in the proportion and according to the priorities determined by the court on the basis that the principal amount of their respective tax bills bore to the total principal amount of all of the tax bills described in the judgment.**

**3. Each land bank agency created pursuant to this chapter shall be a public body corporate and politic, and shall have permanent and perpetual duration until terminated and dissolved in accordance with the provisions of section 141.1012.**

**141.981. 1. A land bank agency shall be composed of a board of commissioners which shall consist of five members, one of whom shall be appointed by the county, as directed by the county executive, or if the county does not have a county executive, as directed by the county commission of the county, one of whom shall be appointed by the school district that is wholly or partially located within such municipality and county and then has the largest population according to the last preceding federal decennial census, and the remainder shall be appointed by the municipality that established the land bank agency. The term of office of the members shall be for four years each. Members shall serve at the pleasure of the member's appointing authority, may be employees of the appointing authority, and shall serve without compensation. Any vacancy in the office of land bank commissioner shall be**

filled by the same appointing authority that made the original appointment. Members of the first board of a land bank agency shall be appointed within sixty days after the effective date of the ordinance or resolution passed establishing such land bank agency. If any appointing authority fails to make any appointment of a land bank commissioner within the time the first appointments are required, or within sixty days after any term expires, then the appointment shall be made by the municipality that established the land bank agency. Except as otherwise provided in subsection 2 of section 141.720, any municipality or school district that is an appointing authority under this section shall not be an appointing authority under section 141.720.

2. Notwithstanding any law to the contrary, any public officer shall be eligible to serve as a board member and the acceptance of the appointment shall neither terminate nor impair such public office. For purposes of this section, “public officer” shall mean a person who is elected to a political subdivision office. Any political subdivision employee shall be eligible to serve as a board member.

3. The members of the board shall select annually from among themselves a chair, a vice-chair, a treasurer, and such other officers as the board may determine, and shall establish their duties as may be regulated by rules adopted by the board.

4. The board shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the land bank agency and to fix the duties, powers, and compensation of all employees, agents, and consultants of the land bank agency. The board may cause the land bank agency to reimburse any member for expenses actually incurred in the performance of duties on behalf of the land bank agency.

5. The board shall meet in regular session according to a schedule adopted by the board, and shall meet in special session as convened by the chairman or upon written notice signed by a majority of the members. The presence of a majority of the board’s total membership shall constitute a quorum to conduct business.

6. All actions of the board shall be approved by the affirmative vote of a majority of the members of the board present and voting; provided, however, that no action of the board shall be authorized on the following matters unless approved by a roll call vote of a majority of the entire board membership:

(1) Adoption of bylaws and other rules and regulations for conduct of the land bank agency’s business;

(2) Hiring or firing of any employee or contractor of the land bank agency. This function may, by majority vote, be delegated by the board to a specified officer or committee of the land bank agency, under such terms and conditions, and to the extent, that the board may specify;

(3) The incurring of debt, including, without limitation, borrowing of money and the issuance of bonds, notes, or other obligations;

(4) Adoption or amendment of the annual budget;

(5) Sale of real property for a selling price that represents a consideration less than two-thirds of the appraised value of such property; and

(6) Lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than fifty thousand dollars.





**business;**

**(2) To sue and be sued, in its own name, and plead and be impleaded in all civil actions, including, but not limited to, actions to clear title to property of the land bank agency;**

**(3) To adopt a seal and to alter the same at pleasure;**

**(4) To receive funds as grants from or to borrow from political subdivisions, the state, the federal government, or any other public or private sources;**

**(5) To issue notes and other obligations according to the provisions of this chapter;**

**(6) To procure insurance or guarantees from political subdivisions, the state, the federal government, or any other public or private sources, of the payment of any bond, note, loan, or other obligation, or portion thereof, incurred by the land bank agency, and to pay any fees or premiums in connection therewith;**

**(7) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, agreements with other land bank agencies and with political subdivisions for the joint exercise of powers under this chapter;**

**(8) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of functions by the land bank agency on behalf of political subdivisions, or agencies or departments of political subdivisions, or the performance by political subdivisions, or agencies or departments of political subdivisions, of functions on behalf of the land bank agency;**

**(9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank agency; and any contract or instrument when signed by the chair or vice-chair of the land bank agency, or by an authorized use of their facsimile signatures, and by the secretary or assistant secretary, or, treasurer or assistant treasurer of the land bank agency, or by an authorized use of their facsimile signatures, shall be held to have been properly executed for and on its behalf;**

**(10) To procure insurance against losses in connection with the property, assets, or activities of the land bank agency;**

**(11) To invest the money of the land bank agency, including amounts deposited in reserve or sinking funds, at the discretion of the board, in instruments, obligations, securities, or property determined proper by the board, and name and use depositories for its money;**

**(12) To enter into contracts for the management of, the collection of rent from, or the sale of the property of the land bank agency;**

**(13) To design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, equip, furnish, and otherwise improve real property or rights or interests in real property held by the land bank agency;**

**(14) To fix, charge, and collect rents, fees, and charges for the use of the property of the land bank agency and for services provided by the land bank agency;**

**(15) Subject to the limitation set forth in subsection 1 of section 141.980, to acquire property, whether by purchase, exchange, gift, lease, or otherwise, to grant or acquire licenses and easements,**

and to sell, lease, grant an option with respect to, or otherwise dispose of, any property of the land bank agency;

(16) Subject to the limitation set forth in subsection 1 of section 141.980, to enter into partnership, joint ventures, and other collaborative relationships with political subdivisions and other public and private entities for the ownership, management, development, and disposition of real property; and

(17) Subject to the other provisions of this chapter and all other applicable laws, to do all other things necessary or convenient to achieve the objectives and purposes of the land bank agency or other laws that relate to the purposes and responsibility of the land bank agency.

**141.984. 1.** Within one year of the effective date of the ordinance or resolution passed establishing a land bank agency under this chapter, title to any real property held by a land trust created pursuant to section 141.700 that is located wholly within the municipality that created the land bank agency shall be transferred by deed to such land bank agency.

**2.** The income of a land bank agency shall be exempt from all taxation by the state and by any of its political subdivisions. Upon acquiring title to any real estate, a land bank agency shall immediately notify the county assessor and the collector of such ownership, and such real estate shall be exempt from all taxation during the land bank agency's ownership thereof, in the same manner and to the same extent as any other publicly owned real estate, and upon the sale or other disposition of any real estate held by it, such land bank agency shall immediately notify the county assessor and the collector of such change of ownership; provided however, that such tax exemption for improved and occupied real property held by such land bank agency as lessor pursuant to a ground lease shall terminate upon the first such occupancy, and such land bank agency shall immediately notify the county assessor and the collector of such occupancy.

**3.** Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may acquire real property or interests in property by gift, devise, transfer, exchange, foreclosure, lease, purchase, or otherwise on terms and conditions and in a manner the land bank agency considers proper.

**4.** Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may acquire property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts, and may accept transfers from political subdivisions upon such terms and conditions as agreed to by the land bank agency and the political subdivision. Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may bid on any parcel of real estate offered for sale at a sheriff's foreclosure sale held in accordance with section 141.550 provided that if the bid is not a deemed bid under subsection 3 of section 141.560, such parcel must be located within a low to moderate income area designated as a target area for revitalization by the municipality that created the land bank agency. Notwithstanding any other law to the contrary, but subject to the limitation set forth in subsection 1 of section 141.980, any political subdivision may transfer to the land bank agency real property and interests in real property of the political subdivision on such terms and conditions and according to such procedures as determined by the political subdivision.

**5.** A land bank agency shall maintain all of its real property in accordance with the laws and ordinances of the jurisdictions in which the real property is located.

**6.** Upon confirmation under section 141.580 of a sheriff's foreclosure sale of a parcel of real estate

to a land bank agency under subdivision (2) of subsection 2 of section 141.550, said land bank agency shall pay the amount of the land bank agency's bid that exceeds the amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. Such excess shall be applied and distributed in accordance with subsections 3 and 4 of section 141.580, exclusive of subdivision (3) of subsection 3 thereof. Upon such confirmation by the court, the collector shall mark the tax bills included in the judgment as "canceled by sale to the land bank" and shall take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his books and in his statements with any other taxing authorities.

**141.985. 1.** A land bank agency shall hold in its own name all real property acquired by such land bank agency irrespective of the identity of the transferor of such property.

**2.** A land bank agency shall maintain and make available for public review and inspection an inventory of all real property held by the land bank agency.

**3.** The land bank agency shall determine and set forth in policies and procedures of the board the general terms and conditions for consideration to be received by the land bank agency for the transfer of real property and interests in real property, which consideration may take the form of monetary payments and secured financial obligations, covenants, and conditions related to the present and future use of the property, contractual commitments of the transferee, and such other forms of consideration as determined by the board to be in the best interest of the land bank agency.

**4.** Subject to the limitation set forth in subsection 1 of section 141.980, a land bank agency may convey, exchange, sell, transfer, lease, grant, release and demise, pledge and hypothecate any and all interests in, upon or to property of the land bank agency.

**5.** A municipality may, in its resolution or ordinance creating a land bank agency establish a hierarchical ranking of priorities for the use of real property conveyed by such land bank agency, subject to subsection 7 of this section, including but not limited to:

- (1)** Use for purely public spaces and places;
- (2)** Use for affordable housing;
- (3)** Use for retail, commercial and industrial activities;
- (4)** Use as wildlife conservation areas; and
- (5)** Such other uses and in such hierarchical order as determined by such municipality.

**6.** A municipality may, in its resolution or ordinance creating a land bank agency, require that any particular form of disposition of real property, or any disposition of real property located within specified geographical areas, be subject to specified voting and approval requirements of the board that are not inconsistent with section 141.981 or section 141.983. Except and unless restricted or constrained in this manner, the board may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance and all others related documents pertaining to the conveyance of property by the land bank agency.

**7.** A land bank agency shall act expeditiously to return the real property acquired by it to the tax rolls and shall market and sell such real property using an open, public method that ensures the best possible price is realized while ensuring such real property is returned to a suitable, productive use for the betterment of the neighborhoods in which such real property is located.

**8. When any parcel of real estate acquired by a land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:**

**(1) To the payment of the expenses of sale;**

**(2) To fulfill the requirements of the resolution, indenture or other financing documents adopted or entered into in connection with bonds, notes or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;**

**(3) The balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget;**

**(4) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, exclusive of net profit from the sale of ancillary parcels, shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities. Distribution shall be made on January first and July first of each year, and at such other times as the board may determine.**

**9. When any ancillary parcel is sold or otherwise disposed of by such land bank agency, the proceeds therefrom shall be applied and distributed in the following order:**

**(1) To the payment of all land taxes and related charges then due on such parcel;**

**(2) To the payment of the expenses of sale;**

**(3) To fulfill the requirements of the resolution, indenture or other financing documents adopted or entered into in connection with bonds, notes or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;**

**(4) The balance to be retained by the land bank agency to pay the salaries and other expenses of such land bank agency and of its employees as provided for in its annual budget;**

**(5) Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, may be paid in accordance with subdivision (3) of subsection 8 of this section.**

**141.988. 1. A land bank agency may receive funding through grants and loans from political subdivisions, from the state, from the federal government, and from other public and private sources.**

**2. Except as otherwise provided in subsections 8 and 9 of section 141.985, a land bank agency may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments, and for any other asset and activity lawfully permitted to a land bank agency under this chapter.**

**3. If a land bank agency sells or otherwise disposes of a parcel of real estate held by it, any land taxes assessed against such parcel for the three tax years following such sale or disposition by such land bank agency that are collected by the collector in a calendar year and not refunded, less the fees provided under section 52.260 and subsection 4 of this section and less the amounts to be deducted under section 137.720, shall be distributed by the collector to such land bank agency no later than March 1 of the following calendar year; provided that land taxes impounded under section 139.031 or otherwise paid under protest shall not be subject to distribution under this subsection. Any amount required to be distributed to a land bank agency under this subsection shall be subject to offset for amounts previously distributed to such land bank agency that were assessed, collected or distributed in error.**

**4. In addition to any other provisions of law related to collection fees, the collector shall collect on behalf of the county a fee of four percent of reserve period taxes collected and such fees collected shall be deposited in the county general fund.**

**141.991. There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of a land bank agency by certified public accountants as of April thirtieth of each year, which accountants shall be employed by the commissioners on or before March first of each year, and certified copies thereof shall be furnished to the appointing authorities described in section 141.981, and shall be available for public inspection at the office of the land bank agency. In addition to the annual audit provided for in this subdivision, the land bank agency may be performance audited at any time by the state auditor or by the auditor of the municipality that established the land bank agency. The cost of such audit shall be paid by the land bank agency, and copies shall be made available to the public within thirty days of the completion of the audit.**

**141.994. 1. A land bank agency shall have power to issue bonds, with approval of the municipality that created the land bank agency, for any of its corporate purposes, which bonds shall be special, limited obligations of the land bank agency, the principal of and interest on which shall be payable solely from the income and revenue derived from the sale, lease, or other disposition of the assets of the land bank agency, or such portion thereof as may be designated in the resolution, indenture or other financing documents relating to the issuance of the bonds. In the discretion of the land bank agency, any of such bonds may be secured by a pledge of additional revenues, including grants, contributions or guarantees from the state, the federal government, or any agency or instrumentality thereof, or by a mortgage or other security device covering all or part of the property from which the revenues so pledged may be derived.**

**2. Bonds issued by a land bank agency shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness. The bonds shall not constitute a debt, liability or obligation of the state or of any political subdivision thereof, except in accordance with subsection 4 of this section, or a pledge of the full faith and credit or the taxing power of the state or of any such political subdivision, and the bonds shall contain a recital to that effect. Neither the members of the board nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.**

**3. Bonds issued by a land bank agency shall be authorized by resolution of the board and shall be issued in such form, shall be in such denominations, shall bear interest at such rate or rates, shall mature on such dates and in such manner, shall be subject to redemption at such times and on such**

terms, and shall be executed by one or more members of the board, as provided in the resolution authorizing the issuance thereof or as set out in the indenture or other financing document authorized and approved by such resolution. The board may sell such bonds in such manner, either at public or at private sale, and for such price as it may determine to be in the best interests of the land bank agency.

4. Any political subdivision may elect to guarantee, insure, or otherwise become primarily or secondarily obligated with respect to the bonds issued by a land bank agency subject, however, to the provisions of Missouri law applicable to the incurrence of indebtedness by such political subdivision. No political subdivision shall have any such obligation if it does not so elect.

5. A land bank agency may from time to time, as authorized by resolution of the board, issue refunding bonds for the purpose of refunding, extending and unifying all or any part of its valid outstanding bonds. Such refunding bonds may be payable from any of the sources identified in subsections 1 and 4 of this section, and from the investment of any of the proceeds of the refunding bonds.

6. The bonds issued by a land bank agency shall be negotiable instruments pursuant to the provisions of the uniform commercial code of the state of Missouri.

7. Bonds issued pursuant to this section and all income or interest thereon shall be exempt from all state taxes, except estate and transfer taxes.

8. A land bank agency shall have the power to issue temporary notes upon the same terms and subject to all provisions and restrictions applicable to bonds under this section. Such notes issued by a land bank agency may be refunded by notes or bonds authorized under this section.

141.997. Except as otherwise provided under Missouri law, all board meetings shall be open to the public and the board shall cause minutes and a record to be kept of all its proceedings. The land bank agency shall be subject to the provisions of chapter 610, chapter 109, and any other applicable provisions of law governing public records and public meetings.

141.1000. Neither the members of the board nor any salaried employee of a land bank agency shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, acquisition, sale, demolition, repair, rehabilitation, use, operation, ownership or disposition of any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 141.980 to 141.1015. Neither the members of the board nor any salaried employee of a land bank agency shall own, directly or indirectly, any legal or equitable interest in or to any lands held by such land bank agency other than the salaries, expenses, and emoluments provided for in sections 141.980 to 141.1015. A violation of this section is a felony. Any person found guilty of violating this section shall be sentenced to a term of imprisonment of not less than two nor more than five years. The board of a land bank agency may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and land bank agency employees, provided that such rules and regulations are not inconsistent with this chapter or any other applicable law.

141.1003. Except as otherwise expressly set forth in this chapter, in the exercise of its powers and duties under this chapter and its powers relating to property held by the land bank agency, the land bank agency shall have complete control of such property as fully and completely as if it were a

private property owner.

**141.1006. 1.** Whenever any ancillary parcel is acquired by a land bank agency and is encumbered by a lien or claim for real property taxes owed to a taxing authority, such taxing authority may elect to contribute to the land bank agency all or any portion of such taxes that are distributed to and received by such taxing authority.

**2.** To the extent that a land bank agency receives payments or credits of any kind attributable to liens or claims for real property taxes owed to a taxing authority, the land bank agency shall remit the full amount of the payments to the collector for distribution to the appropriate taxing authority.

**141.1009. 1.** A land bank agency shall be authorized to file an action to quiet title pursuant to section 527.150 as to any real property in which the land bank agency has an interest. For purposes of any and all such actions the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as adequate petitioner in such action.

**2.** Prior to the filing of an action to quiet title the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property by first class mail, addressed to “Occupant”;

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the municipality in which the property is located; and

(5) Such other methods as the court may order.

**3.** As part of the petition to quiet title the land bank agency shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

**4.** The court shall schedule a hearing on the petition within ninety days following filing of the petition, and as to all matters upon which an answer was not filed by an interested party the court shall issue its final judgment within one hundred twenty days of the filing of the petition.

**5.** A land bank agency shall be authorized to join in a single petition to quiet title one or more parcels of real property.

**141.1012.** A land bank agency may be dissolved as a public body corporate and politic not less than sixty calendar days after an ordinance or resolution for such dissolution is passed by the municipality that established the land bank agency. Not less than sixty calendar days advance written notice of consideration of such an ordinance or resolution of dissolution shall be given to the members of the board of the land bank agency, shall be published in a local newspaper of general circulation within such municipality, and shall be sent certified mail to each trustee of any outstanding bonds of the land bank agency. No land bank agency shall be dissolved while there remains outstanding any bonds, notes, or other obligations of the land bank agency unless such bonds, notes, or other

obligations are paid or defeased pursuant to the resolution, indenture or other financing document under which such bonds, notes, or other obligations were issued prior to or simultaneously with such dissolution. Upon dissolution of a land bank agency pursuant to this section, all real property, personal property, and other assets of the land bank agency shall be transferred by appropriate written instrument to and shall become the assets of the municipality that established the land bank agency. Such municipality shall act expeditiously to return such real property to the tax rolls and shall market and sell such real property using an open, public method that ensures the best possible prices are realized while ensuring such real property is returned to a suitable, productive use for the betterment of the neighborhoods in which such real property is located. Any such real property that was acquired by the dissolved land bank agency pursuant to a deemed sale under subsection 3 of section 141.560, by deed from a land trust under subsection 1 of section 141.984, or pursuant to a sale under subdivision (2) of subsection 2 of section 141.550 shall be held by such municipality in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the judgment of foreclosure, and upon the sale or other disposition of any such property by such municipality, the proceeds therefrom shall be applied and distributed in the following order:

(1) To the payment of the expenses of sale;

(2) To the reasonable costs incurred by such municipality in maintaining and marketing such property; and

(3) The balance shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed.

**141.1015. A land bank agency shall neither possess nor exercise the power of eminent domain. A land bank agency shall not have the power to tax.”; 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. 467, Page 2, Section 33.087, Line 28, by inserting after all of said section and line the following:

**“33.089. 1. Every department and division of this state that receives any grant of federal funds shall determine whether or not any or all of such funds can be used for the alternatives to abortion services program established in section 188.325 or the alternatives to abortion public awareness program established in section 188.335. Federal funds for which such determination shall be made shall include, but not be limited to: maternal and child health block grant; social services block grant; community development block grant; temporary assistance for needy families; community services block grant; head start; pregnancy assistance fund program; maternal, infant, and early childhood home visiting program; community-based child abuse prevention grants; child care and development block grant; promoting safe and stable families; abandoned infants; infant adoption awareness training; healthy start initiative; healthy marriage promotion and responsible fatherhood grants; and any successor funds.**

**2. At least annually, and by a date or dates specified by the office of administration so as to assist in budgeting and planning for every fiscal year, each such department and division shall submit its determination to the office of administration on the use of such federal funds for the alternatives to**



**abortion services program or the alternatives to abortion public awareness program. The office of administration shall compile this information and submit it to the chairman of the senate appropriations committee and the chairman of the house budget committee, and shall also make such information easily available to the public on the Missouri accountability portal established in section 37.850.”; 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. 467, Page 2, Section 37.850, Line 20, by inserting after all of said section and line the following:

**“37.853. 1. The office of administration shall maintain municipal government, including any city not within a county, accountability information on the Missouri accountability portal established under section 37.850. The Missouri accountability portal shall provide public access to a complete, transparent, and comprehensive database of municipal government, including any city not within a county, financial information as a means of creating better public understanding of municipal government, including any city not within a county, practices and operations.**

**2. Individual municipal governmental, including any city not within a county, entities shall collect and transmit to the office of administration, by electronic mail or United States postal mail, the public information applicable to all municipal government, including any city not within a county, as provided in this section. Notwithstanding any other provision of law or rule to the contrary, municipal governmental, including any city not within a county, entities that provide the annual report required under section 105.145 to the office of administration are not required to provide a copy of the report to the state auditor.**

**3. Municipal governmental, including any city not within a county, entities shall annually provide to the office of administration a copy of the annual report of the financial transactions of the municipality that the municipality is required to provide to the state auditor under section 105.145.**

**4. This section shall become effective December 31, 2012.**

**37.855. 1. The office of administration shall maintain public school accountability information on the Missouri accountability portal established under section 37.850. The Missouri accountability portal shall provide public access to a complete, transparent, and comprehensive database of school district and charter school financial information as a means of creating better public understanding of public school practices and operations.**

**2. The department of elementary and secondary education shall annually collect and transmit to the office of administration the public information regarding school districts and public charter schools as provided in this section.**

**3. School districts and public charter schools shall annually provide the department of elementary and secondary education with detailed compensation information for all school employees, including all extra duty compensation and all employee benefits, and the district’s annual operating budget and bonded indebtedness. The department shall provide all information required under this subsection to the office of administration by electronic mail or United States postal mail.**

**4. This section shall become effective June 30, 2013.**

**37.857. 1. The office of administration shall maintain county government accountability information on the Missouri accountability portal established under section 37.850. The Missouri accountability portal shall provide public access to a complete, transparent, and comprehensive database of county government financial information as a means of creating better public understanding of county government practices and operations.**

**2. Individual county governmental entities shall collect annually and transmit, by electronic mail or United States postal mail, to the office of administration the public information applicable to all county governments as provided in this section.**

**3. Specifically, the county government shall annually provide to the office of administration detailed compensation information for all elected county officials, including all extra duty compensation and all employee benefits, a copy of the detailed financial statement required under section 50.800, and any cash reserves. In addition to bonded debt, the county shall disclose any expenditures made pursuant to a real property lease, specifying the nature and duration of the lease. The office of administration may establish clear standards for budget format and detail, to ensure that all county government budgets contain all necessary information. Notwithstanding any other provision of law or rule to the contrary, any information reported annually to the office of administration under this section shall not be required to be reported to the state auditor.**

**4. This section shall become effective December 31, 2013.” ; and**

Further amend said bill and page, Section B, Line 2, by inserting immediately after the word “funds,” the following:

“ the enactment of section 33.087 and the repeal and reenactment of section 37.850 of” ; and

Further amend said bill, page 3, Section B, Line 4, by inserting immediately after the words “constitution, and” the following:

“ the enactment of section 33.087 and the repeal and reenactment of section 37.850 of” ; and

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.

## **RESOLUTIONS**

Senator Dempsey offered the following resolution:

### SENATE RESOLUTION NO. 2075

WHEREAS, civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775, which issued a proclamation setting aside a time for prayer in forming a new nation; and

WHEREAS, in 1863, Abraham Lincoln called for a day of prayer, and Franklin Roosevelt declared a national day of prayer on D-Day, June 6, 1944, the day the Allied powers crossed the English Channel and landed on the beaches of Normandy, France, beginning the liberation of Western Europe from Nazi control during World War II; and

WHEREAS, in 1952, by joint act of Congress and signed into law by Harry S. Truman, the “National Day of Prayer” was officially established as an annual event calling upon each President of the United States to set aside an appropriate day for national prayer; and

WHEREAS, on May 5, 1988, President Ronald Reagan signed a bill which passed unanimously in Congress making the first Thursday of every May the National Day of Prayer; and

WHEREAS, the National Day of Prayer is an opportunity to acknowledge our dependence on God, to give thanks for blessings received, and to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, the governors of all fifty states have signed proclamations encouraging all Americans to pray on the National Day of Prayer:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-sixth General Assembly, Second Regular Session, hereby recognize May 3, 2012 as the National Day of Prayer and encourage all citizens of the State of Missouri to join in this recognition and observance of prayer for the welfare of this state.

Senator Dempsey requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2075** up for adoption, which request was denied.

Senator Dixon offered Senate Resolution No. 2076, regarding Amanda Johnson, Taos, which was adopted.

Senator Dixon offered Senate Resolution No. 2077, regarding Alberta Smith, Springfield, which was adopted.

Senator Mayer offered Senate Resolution No. 2078, regarding State Employee Recognition Week 2012, which was adopted.

Senator Mayer offered Senate Resolution No. 2079, regarding Marion “Bud” Joyner, Poplar Bluff, which was adopted.

Senator Schaefer offered Senate Resolution No. 2080, regarding the 3M Plant Safety Team and others, Columbia, which was adopted.

Senator Richard offered Senate Resolution No. 2081, regarding Mayor Michael R. Woolston, Joplin, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HB 1103**, introduced by Representatives Crawford and Wyatt, entitled:

An Act to repeal section 339.1115, RSMo, and to enact in lieu thereof one new section relating to certain notices required by the Missouri appraisal management company registration and regulation act.

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

Senator Wasson offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend House Bill No. 1103, Page 1, In the Title, Lines 3-4 of the title, by striking said lines and inserting in lieu thereof the following: “real estate appraising, with penalty provisions.”; and

Further amend said bill, Pages 1 and 2, Section 339.1115, by striking all of said section and inserting in lieu thereof the following:

“339.500. This act shall be known and may be cited as the “Missouri Certified and Licensed Real Estate Appraisers **and Appraisal Management Company Regulation Act**”.

339.501. 1. Beginning July 1, 1999, it shall be unlawful for any person in this state to act as a real estate appraiser, or to directly or indirectly, engage or assume to engage in the business of real estate appraisal or to advertise or hold himself or herself out as engaging in or conducting such business without first obtaining a license or certificate issued by the Missouri real estate appraisers commission as provided in sections 339.500 to 339.549.

2. **Except for licenses issued to appraisal management companies under section 339.511**, no license or certificate shall be issued pursuant to sections 339.500 to 339.549 to a partnership, association, corporation, firm or group; except that, nothing in this section shall preclude a state-licensed or state-certified real estate appraiser from rendering appraisals for, or on behalf of, a partnership, association,

corporation, firm or group, provided the appraisal report is prepared by, or under the immediate personal direction of the state-licensed or state-certified real estate appraiser and is reviewed and signed by such state-licensed or state-certified appraiser.

3. Any person who is not state licensed or state certified pursuant to sections 339.500 to 339.549 may assist a state-licensed or state-certified real estate appraiser in the performance of an appraisal; provided that, such person is personally supervised by a state-licensed or state-certified appraiser and provided further that any appraisal report rendered in connection with the appraisal is reviewed and signed by the state-licensed or state-certified real estate appraiser.

4. Nothing in sections 339.500 to 339.549 shall abridge, infringe upon or otherwise restrict the right to use the term “certified ad valorem tax appraiser” or any similar term by persons performing ad valorem tax appraisals.

5. The provisions of sections 339.500 to 339.549 shall not be construed to require a license or certificate for:

(1) Any person, partnership, association or corporation who, as owner, performs appraisals of property owned by such person, partnership, association or corporation;

(2) Any licensed real estate broker or salesperson who prepares a comparative market analysis or a broker price opinion;

(3) Any employee of a local, state or federal agency who performs appraisal services within the scope of his or her employment; except that, this exemption shall not apply where any local, state or federal agency requires an employee to be registered, licensed or certified to perform appraisal services;

(4) Any employee of a federal or state-regulated lending agency or institution;

(5) Any agent of a federal or state-regulated lending agency or institution in a county of third or fourth classification.

339.503. As used in sections 339.500 to 339.549, the following words and phrases mean, unless the context clearly indicates otherwise:

(1) “Appraisal” or “real estate appraisal”, an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;

(2) “Appraisal assignment”, an engagement for which a person is employed or retained to act as a disinterested third party in rendering an objective appraisal;

**(3) “Appraisal firm”, a person, limited liability company, partnership, association, or corporation whose principal is an appraiser licensed under sections 339.500 to 339.549 which for compensation prepares and communicates appraisals, reviews appraisals prepared by others, provides appraisal consultation services, and supervises, trains, and reviews work produced or certified by persons licensed under sections 339.500 to 339.549 who produces appraisals;**

(4) “Appraisal foundation”, the organization of the same name that was incorporated as an Illinois not-for-profit corporation on November 20, 1987, whose operative boards are the appraisal standards board and the appraiser qualifications board;

**(5) “Appraisal management company”, an individual or business entity that utilizes an appraisal**

**panel and performs, directly or indirectly, appraisal management services;**

**(6) “Appraisal management services”, to directly or indirectly perform any of the following functions on behalf of a lender, financial institution, client, or any other person:**

**(a) Administer an appraiser panel;**

**(b) Recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel;**

**(c) Receive an order for an appraisal from one person and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;**

**(d) Track and determine the status of orders for appraisals performed by appraisers who are part of an appraisal panel;**

**(e) Conduct quality control of a completed appraisal performed by an appraiser who is part of an appraisal panel prior to the delivery of the appraisal to the person who ordered the appraisal; and**

**(f) Provide a completed appraisal performed by an appraiser who is part of an appraisal panel to one or more persons who have ordered an appraisal;**

[(4)] (7) “Appraisal report”, any communication, written or oral, of an appraisal. The purpose of an appraisal is immaterial, therefore valuation reports, real estate counseling reports, real estate tax counseling reports, real estate offering memoranda, mortgage banking offers, highest and best use studies, market demand and economic feasibility studies and all other reports communicating an appraisal analysis, opinion or conclusion are appraisal reports, regardless of title;

[(5)] (8) “Appraisal standards board (ASB)”, the independent board of the appraisal foundation which promulgates the generally accepted standards of the appraisal profession and the uniform standards of professional appraisal practices;

**(9) “Appraiser”, an individual who holds a license as a state-licensed real estate appraiser or certification as a state-certified real estate appraiser under sections 339.500 to 339.549;**

**(10) “Appraiser panel”, a network of licensed or certified appraisers that have:**

**(a) Responded to an invitation, request, or solicitation from an appraisal management company, in any form, to perform appraisals for persons who have ordered appraisals through the appraisal management company, or to perform appraisals for the appraisal management company directly; and**

**(b) Been selected and approved by an appraisal management company to perform appraisals for any client of the appraisal management company, or to perform appraisals for the appraisal management company directly;**

[(6)] (11) “Appraiser qualifications board (AQB)”, the independent board of the appraisal foundation which establishes minimum experience, education and examination criteria for state licensing of appraisers;

[(7)] (12) “Boat dock”, a structure for loading and unloading boats and connecting real property to water, public or private. A boat dock is real property and has riparian rights, provided:

**(a) The lender includes the boat dock as a fixture both in the lender’s deed of trust and a uniform commercial code fixture filing under section 400.9-502;**

(b) The boat dock is attached to the real property by steel cable, bar, or chain that is permanently imbedded in concrete or rock, and otherwise securely attached to the dock; and

(c) The owner of the dock has riparian rights by means of real estate rights bordering the body of water, including such rights by license, grant, or other means allowing access to the body of water, which access may be seasonal because the water may be reduced for electric power production or flood control;

[(8)] (13) “Boat slip” or “watercraft slip”, a defined area of water, including the riparian rights to use such area, whether by grant, lease, or license, in accordance with all applicable laws and regulations, which is a part of a boat dock serving a common interest community, including by way of example and not of limitation condominiums and villas; and the exclusive right to such use being allocated as a limited common element or being assigned to an owner of real estate in the common interest community in which the boat dock is located, whether by grant, lease, or otherwise. The rights of the real estate owner in such slip are included as collateral in any deed of trust and uniform commercial code filings of a lender, if any, taking a security interest in the owner’s real estate;

[(9)] (14) “Broker price opinion”, an opinion of value, prepared by a real estate licensee for a fee, that includes, but is not limited to, analysis of competing properties, comparable sold properties, recommended repairs and costs or suggested marketing techniques. A broker price opinion is not an appraisal and shall specifically state it is not an appraisal;

[(10)] (15) “Certificate”, the document issued by the Missouri real estate appraisers commission evidencing that the person named therein has satisfied the requirements for certification as a state-certified real estate appraiser and bearing a certificate number assigned by the commission;

[(11)] (16) “Certificate holder”, a person certified by the commission pursuant to the provisions of sections 339.500 to 339.549;

[(12)] (17) “Certified appraisal report”, an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal report represents to the public that it meets the appraisal standards defined in sections 339.500 to 339.549;

[(13)] (18) “Commission”, the Missouri real estate appraisers commission, created in section 339.507;

[(14)] (19) “Comparative market analysis”, the analysis of sales of similar recently sold properties in order to derive an indication of the probable sales price of a particular property undertaken by a licensed real estate broker or agent, for his or her principal. A comparative market analysis is not an appraisal and shall specifically state it is not an appraisal;

**(20) “Controlling person”:**

**(a) An owner, officer, or director of a corporation, partnership, or other business entity seeking to offer appraisal management services in this state;**

**(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or**

**(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company;**

[(15)] **(21)** “Disinterested third party” shall not exclude any state-certified real estate appraiser or state-licensed real estate appraiser employed or retained by any bank, savings association, credit union, mortgage banker or other lender to perform appraisal assignments, provided that the appraisal assignments are rendered with respect to loans to be extended by the bank, savings association, credit union, mortgage banker or other lender, and provided further that the state-certified real estate appraiser or state-licensed real estate appraiser is not requested or required to report a predetermined analysis or opinion of value;

[(16)] **(22)** “License” or “licensure”, a license or licensure issued pursuant to the provisions of sections 339.500 to 339.549 evidencing that the person **or other legal entity** named therein has satisfied the requirements for licensure as a state-licensed real estate appraiser **or licensed appraisal management company** and bearing a license number assigned by the commission;

**(23) “Licensed appraisal management company”, a person or other legal entity who holds a current valid license as a licensed appraisal management company under sections 339.500 to 339.549;**

[(17)] **(24)** “Real estate”, an identified parcel or tract of land, including improvements, if any;

[(18)] **(25)** “Real estate appraiser” or “appraiser”, a person who for a fee or valuable consideration develops and communicates real estate appraisals or otherwise gives an opinion of the value of real estate or any interest therein;

[(19)] **(26)** “Real estate appraising”, the practice of developing and communicating real estate appraisals;

[(20)] **(27)** “Real property”, the interests, benefits and rights inherent in the ownership of real estate;

[(21)] **(28)** “Residential real estate”, any parcel of real estate, improved or unimproved, that is primarily residential in nature and that includes or is intended to include a residential structure containing not more than four dwelling units and no other improvements except those which are typical residential improvements that support the residential use for the location and property type. A residential unit is a condominium, town house or cooperative complex, or a planned unit development is considered to be residential real estate. Subdivisions are not considered residential real estate. Individual parcels of property located within a residential subdivision shall be considered residential property;

[(22)] **(29)** “Specialized appraisal services”, appraisal services which do not fall within the definition of appraisal assignment. The term “specialized services” may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser is acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services;

**(30) “State-certified general appraiser trainee”, a person who holds a current valid certificate as a state-certified general appraiser trainee issued under sections 339.500 to 339.539;**

[(23)] **(31)** “State-certified general real estate appraiser”, a person who holds a current, valid certificate as a state-certified general real estate appraiser issued pursuant to the provisions of sections 339.500 to 339.549;

**(32) “State-certified residential appraiser trainee”, a person who holds a current valid certificate as a state-certified residential appraiser trainee under sections 339.500 to 339.539;**

[(24)] **(33)** “State-certified residential real estate appraiser”, a person who holds a current, valid certificate as a state-certified residential real estate appraiser issued pursuant to the provisions of sections 339.500 to 339.549;

**(34) “State-licensed appraiser trainee”, a person who holds a current valid license as a state-licensed appraiser trainee under sections 339.500 to 339.549;**

[(25)] **(35) “State-licensed real estate appraiser”, a person who holds a current, valid license as a state-licensed real estate appraiser pursuant to the provisions of sections 339.500 to 339.549;**

[(26)] **(36) “Subdivision”, a tract of land that has been divided into blocks or plots with streets, roadways, open areas and other facilities appropriate to its development as residential, commercial or industrial sites;**

[(27)] **(37) “Temporary appraiser licensure or certification”, the issuance of a temporary license or certificate by the commission to a person licensed or certified in another state who enters this state for the purpose of completing a particular appraisal assignment.**

339.505. 1. It shall be unlawful for any person in this state to assume or use the title “state-licensed real estate appraiser” or “state-certified real estate appraiser”, or any title, designation or abbreviation likely to create the impression of licensure or certification by the state of Missouri as a real estate appraiser, unless the person has first been licensed or certified by the Missouri real estate appraisers commission pursuant to the provisions of sections 339.500 to 339.549. The commission may adopt for the exclusive use of persons licensed or certified pursuant to sections 339.500 to 339.549, a seal, symbol or other mark identifying the user as a state-licensed or state-certified real estate appraiser.

2. Any person certified as a real estate appraiser by an appraisal trade organization, on August 28, 1998, shall retain the right to use the term “certified” or any similar term in identifying himself or herself to the public; provided that, in each instance wherein such term is used, the name of the certifying organization or body is prominently and conspicuously displayed immediately adjacent to such term, and provided further that the use of such term does not create the impression of certification by the state of Missouri. Nothing in this section shall entitle any person certified only by a trade organization, and not certified or licensed by the state, the right to conduct any appraisal.

3. The term “state-licensed real estate appraiser”, “state-certified real estate appraiser” or any similar term shall not be used following or immediately in connection with the name of a partnership, association, corporation or other firm or group or in such manner that it might create the impression of licensure or certification by the state of Missouri as a real estate appraiser.

**4. No person shall, directly or indirectly, engage or attempt to engage in the business as an appraisal management company, to directly or indirectly engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a registration issued by the commission under sections 339.500 to 339.549; except for:**

**(1) The performance of services as an appraisal firm;**

**(2) A national or state bank, federal or state savings institution, or credit union that is subject to direct regulation or supervision by an agency of the United States government, or by the Missouri department of insurance, financial institutions and professional registration, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser who is an independent contractor to the institution;**



**(3) An appraisal management company that is a subsidiary owned and controlled by a financial institution and regulated by a federal institution regulatory agency;**

**(4) An appraiser that enters into an agreement, whether written or otherwise, with an appraiser for the performance of an appraisal, and upon the completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal;**

**(5) A state agency or local municipality that orders appraisals for ad valorem tax purposes or any other business on behalf of the state of Missouri;**

**(6) Any person licensed to practice law in this state, a court-appointed personal representative, or a trustee who orders an appraisal in connection with a bona fide client relationship when such person directly contracts with an independent appraiser.**

339.509. The commission shall have the following powers and duties:

(1) To establish educational programs and research projects related to the appraisal of real estate;

(2) To establish administrative procedures for processing applications and issuing **trainee licenses**, certificates of state-certified real estate appraisers [and], licenses of state-licensed real estate appraisers, **and licenses of appraisal management companies**, and for conducting disciplinary proceedings pursuant to the provisions of sections 339.500 to 339.549 **or as required by federal law or regulation**; and shall have authority to determine who meets the criteria for certification and licensure, and shall have authority to renew, censure, suspend or revoke certifications and licenses;

(3) To further define by regulation, with respect to each category of **trainee**, state-certified real estate appraiser, and for state-licensed real estate appraisers **and for appraisal management companies**, the type of educational experience, appraisal experience and equivalent experience, **and other criteria** that will meet the statutory requirements of sections 339.500 to 339.549 **or as required by federal law or regulation**; provided that such standards shall be equivalent to the minimum criteria for certification and licensure issued by the appraiser qualifications board of the appraisal foundation and the provisions of section 339.517 **or as required by federal law or regulation**;

(4) To further define by regulation, with respect to each category of **trainee**, state-certified real estate appraiser, and for state-licensed real estate appraisers, the continuing education requirements for the renewal of certification and licensure that will meet the statutory requirements provided in section 339.530 **or as required by federal law or regulation**;

(5) To adopt standards for the development and communication of real estate appraisals and to adopt regulations explaining and interpreting the standards; provided that such standards shall meet the standards specified by the appraisal standards board of the appraisal foundation **or as required by federal law or regulation**;

(6) To establish an examination for each category of state-certified real estate appraiser, and for state-licensed real estate appraisers, to provide or procure appropriate examination questions and answers, and to establish procedures for grading examinations; provided that such standards for examinations for certification shall meet the minimum criteria specified by the appraiser qualifications board of the appraisal foundation **or as required by federal law or regulation**;

(7) To maintain a registry of the names and addresses of **trainees**, state-certified real estate appraisers

[and], state-licensed real estate appraisers, **and appraisal management companies**; [and]

(8) To perform such other functions and duties as may be necessary to carry out the provisions of sections 339.500 to 339.549 **or to comply with the requirements of federal law or regulation; and**

**(9) To establish by rule the standards of practice for appraisal management companies.**

339.511. 1. There shall be [three] **six** classes of licensure for individuals including:

- (1) [State licensed real estate appraiser] **State-licensed appraiser trainee;**
- (2) [Certified residential real estate appraiser; and] **State-licensed real estate appraiser;**
- (3) [Certified general real estate appraiser] **State-certified residential appraiser trainee;**
- (4) State-certified residential real estate appraiser;**
- (5) State-certified general appraiser trainee; and**
- (6) State-certified general real estate appraiser.**

2. **There shall be one class of license for appraisal management companies.**

3. Persons desiring to obtain licensure as a **state-licensed appraiser trainee**, state-licensed real estate appraiser [or], **state-certified residential appraiser trainee**, certification as a [certified] **state-certified residential real estate appraiser, state-certified general appraiser trainee**, or [certified] **state-certified general real estate appraiser** shall make written application to the commission on such forms as are prescribed by the commission setting forth the applicant's qualifications for licensure or certification and present to the commission satisfactory proof that the person is of good moral character and bears a good reputation for honesty, integrity and fair dealing.

[3.] **4.** Each applicant for licensure as a **state-licensed appraiser trainee**, state-licensed real estate appraiser, **a state-certified residential appraiser trainee**, a state-certified residential real estate appraiser, **a state-certified general appraiser trainee**, or a state-certified general real estate appraiser shall have demonstrated the knowledge and competence necessary to perform appraisals of residential and other real estate as the commission may prescribe by rule not inconsistent with any requirements imposed by the appraiser qualifications board. The commission shall prescribe by rule procedures for obtaining and maintaining approved courses of instruction. The commission shall, also, prescribe the hours of training in real estate appraisal practices and the minimum level of experience acceptable for licensure or certification.

[4.] **5.** Persons who receive certification after March 30, 1991, or who have a state license or certificate to engage in business as a real estate appraiser issued by the commission, shall receive the same license or certificate from the commission as such persons are currently holding without further education, experience, examination or application fee, but shall be required to meet all continuing education requirements prescribed by the commission.

**6. Appraisal management companies desiring to obtain licensure shall:**

**(1) Make application to the commission on such forms as are prescribed by the commission setting forth the applicant's qualifications for licensure;**

**(2) Remit the fee or fees as established by rule;**

**(3) Post with the commission and maintain on renewal a surety bond in the amount of twenty thousand dollars as further promulgated by rule; and**

**(4) Submit to the commission satisfactory proof that any controlling person, defined in section 339.503, is of good moral character and bears a good reputation for honesty, integrity, and fair dealing.**

339.513. 1. Applications for examination, original certification and licensure, and renewal certification and licensure shall be made in writing to the commission on forms provided by the commission. The application shall specify the classification of certification, or licensure, for which application is being made.

2. Appropriate fees shall accompany all applications for examination, original certification or licensure, and renewal certification or licensure; provided that such fees shall be in amounts set by the commission in order to offset the cost and expense of administering sections 339.500 to 339.549, and in amounts to be determined by the commission with reference to the requirements of Section 1109 of the United States Public Law 101-73, as later codified and as may be amended. All fees collected pursuant to this subsection shall be collected by the commission and deposited with the state treasurer into a fund to be known as the “Missouri Real Estate Appraisers **and Appraisal Management Company** Fund”. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board’s funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board’s funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board’s funds for the preceding fiscal year. In any proceeding in which a remedy provided by subsection 1 or 2 of section 339.532 is imposed, the commission may also require the respondent licensee to pay the costs of the proceeding if the commission is a prevailing party or in settlement. The moneys shall be placed in the state treasury to the credit of the Missouri real estate appraisers fund.

3. At the time of filing an application for certification or licensure, each applicant shall sign a pledge to comply with the standards set forth in sections 339.500 to 339.549 and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated [against a state-certified real estate appraiser or a state-licensed real estate appraiser].

339.515. 1. An original certification as a state-certified real estate appraiser may be issued to any person who meets the qualification requirements for certification and who has achieved a passing grade on a written examination which is consistent with and equivalent to the uniform state certification examination issued or endorsed by the appraiser qualifications board of the appraisal foundation and the commission.

2. An original license as a state-licensed real estate appraiser may be issued to any person who meets the qualification requirements for licensure and who has achieved a passing grade on a written examination which is consistent with and equivalent to the uniform state licensure examination issued or endorsed by the appraiser qualifications board of the appraisal foundation and the commission.

3. If an applicant, **other than an appraisal management company**, is not certified or licensed within two years after passing an examination given pursuant to the provisions of this section, he or she shall be required to retake the examination prior to certification or licensure.

4. An applicant, **other than an appraisal management company**, who has failed an examination taken pursuant to this section may apply for reexamination by submitting an application with the appropriate examination fee within ninety days after the date of having last taken and failed the examination.

339.517. 1. Any person who files with the commission an application for state licensure or certification as a real estate appraiser shall be required to pass an examination to demonstrate his or her competence. The commission shall, also, make such investigation as is required to verify such qualifications. If the results of the investigation are satisfactory to the commission and the applicant is otherwise qualified, then the commission shall issue to the applicant a license or certificate authorizing the applicant to act as a state-licensed real estate appraiser or a state-certified real estate appraiser in Missouri. If the results of the investigation are unsatisfactory, action on the application may be deferred pending a hearing before the real estate appraisal commission.

2. The commission shall promulgate and adopt regulations which prescribe and define the subjects related to real estate appraisal and the experience in real estate appraisal that will satisfy the qualification requirements for licensure or certification. The commission may approve courses of instruction in an accredited college or university relating to the appraisal of real estate and related disciplines including, but not limited to, economics, finance, statistics, principles of capitalization, real estate and such other areas deemed relevant by the commission. The commission may also approve similar courses of instruction offered by recognized professional appraisal organizations and real estate organizations and agencies of the state and federal government, and other qualified providers which may be approved by the commission. The commission may require by rule that some or all of an applicant's qualifying experience in real estate appraising be obtained on appraisals of real estate located in this state.

3. Each applicant for certification or licensure, **except for appraisal management companies**, shall furnish under oath a detailed statement of the real estate appraisal assignments or file memoranda for each year in which real estate appraisal experience is claimed by the applicant. Upon request, the applicant shall furnish to the commission a sample of appraisal reports or file memoranda which the applicant has prepared in the course of his or her appraisal practice.

4. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 2003, shall be invalid and void.

339.525. 1. To obtain a renewal certificate or license, a state certified real estate appraiser or state licensed real estate appraiser shall make application and pay the prescribed fee to the commission not earlier than one hundred twenty days nor later than thirty days prior to the expiration date of the certificate or license then held. With the application for renewal, the state certified real estate appraiser or state licensed real estate appraiser shall present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530.

2. [If the commission determines that a state certified real estate appraiser or state licensed real estate appraiser has failed to meet the requirements for renewal of certification or licensure through mistake, misunderstanding, or circumstances beyond the appraiser's control, the commission may extend the term of the certificate or license for good cause shown for a period not to exceed six months, upon payment of a prescribed fee for the extension.

3.] If a person is otherwise eligible to renew the person's certification or license, the person may renew an expired certification or license within two years from the date of expiration. To renew such expired

certification or license, the person shall submit an application for renewal, pay the renewal fee, pay a delinquent renewal fee as established by the commission, and present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530. Upon a finding of extenuating circumstances, the commission may waive the payment of the delinquent fee.

[4.] **3.** If a person has failed to renew the person's license within two years of its expiration, the license shall be void.

[5.] **4.** The commission is authorized to issue an inactive certificate or license to [any licensee] **a state-certified real estate appraiser or a state-licensed real estate appraiser** who makes written application for such on a form provided by the commission and remits the fee for an inactive certificate or license established by the commission. An inactive certificate or license may be issued only to a person who has previously been issued a certificate or license to practice as a real estate appraiser in this state, who is no longer regularly engaged in such practice, and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive certificate or license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive certificate or license may be renewed by the commission subject to all provisions of this section and all other provisions of this chapter. An inactive licensee may apply for a certificate or license to regularly engage in the practice of real estate appraising upon filing a written application on a form provided by the commission, submitting the reactivation fee established by the commission and submitting satisfactory proof of current competency as established by the commission.

**5. To obtain a renewal license, an appraisal management company shall make application on a form prescribed by the commission and pay the prescribed fee.**

**6. To obtain a renewal license, a state-licensed appraiser trainee, state-certified residential appraiser trainee, or state-certified general appraiser trainee shall request an extension in writing at least thirty days prior to the expiration date as required by rule.**

339.527. 1. [A certificate or license issued pursuant to sections 339.500 to 339.549 shall bear the signature or facsimile signature of the chairman of the commission and a certificate or license number assigned by the commission.

2.] A state-certified real estate appraiser may designate or identify an appraisal report rendered by him or her as a certified appraisal for the type of property included in his or her certification.

[3.] **2.** Each state-certified real estate appraiser or state-licensed real estate appraiser shall place the certificate or license number adjacent to or immediately below the designation "Missouri State-certified (Residential/General) Real Estate Appraiser" or "Missouri State-licensed Real Estate Appraiser" when used in an appraisal report or in a contract or other instrument used by the holder of the certificate or license in conducting an appraisal assignment or specialized appraisal services. **A state-licensed real estate appraiser trainee, state-certified residential appraiser trainee, and state-certified general appraiser trainee shall place his or her license number adjacent to or immediately below the title "state-licensed appraiser trainee", "state-certified residential appraiser trainee", or "state-certified general appraiser trainee".**

**3. Each appraisal management company shall be required to disclose its license number on each engagement letter utilized in assigning an appraisal request for real estate appraisal assignments within the state of Missouri.**

4. The terms “Missouri State-certified (Residential/General) Real Estate Appraiser” [and], “Missouri State-licensed Real Estate Appraiser”, “**Missouri State-licensed Appraiser Trainee**”, “**Missouri State-certified Residential Appraiser Trainee**”, and “**Missouri State-certified General Appraiser Trainee**” may only be used to refer to individuals who hold a certificate or license and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group or in such manner that it might be interpreted as referring to certification or licensure of the firm, partnership, corporation, group, or to certification or licensure of anyone other than an individual holder of the certificate or license.

5. **Except for licensed appraisal management companies**, a certificate or license shall be issued pursuant to sections 339.500 to 339.549 only to a natural person. However, nothing in this section shall preclude a state-certified real estate appraiser or state-licensed real estate appraiser from rendering appraisals for or on behalf of a corporation, partnership or association, provided that the appraisal report is prepared by, or under the immediate direction of, a state-certified real estate appraiser or state-licensed real estate appraiser, and further provided that the appraisal report is signed by the state-certified real estate appraiser or state-licensed real estate appraiser.

339.529. 1. Each state-certified real estate appraiser, **state-certified appraiser trainee, state-licensed appraiser trainee**, and state-licensed real estate appraiser shall advise the commission of the address of his or her principal place of residence, business and all other addresses at which he or she is currently engaged in the business of preparing real property appraisal reports.

2. Whenever a state-certified real estate appraiser, **state-certified appraiser trainee, state-licensed appraiser trainee**, or state-licensed real estate appraiser changes the location of his or her place of business, he or she shall amend the certificate or license issued by the commission to reflect the change and shall give written notification of the change to the commission within thirty working days of the change.

3. Whenever a state-certified real estate appraiser or state-licensed real estate appraiser changes the location of his or her residence, he or she shall notify the commission of the new residence address within thirty working days of the change.

**4. Each appraisal management company shall notify the commission within thirty days of a change in its controlling person, agent of record, ownership composition, or address.**

339.532. 1. The commission may refuse to issue or renew any certificate or license issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any state-certified real estate appraiser, state-licensed real estate appraiser, **state-licensed appraiser trainee, state-certified residential appraiser trainee, state-certified general appraiser trainee, state-licensed appraisal management company that is a legal entity other than a natural person, any person who is a controlling person as defined in this chapter**, or any person who has failed to renew or has surrendered his or her certificate or license for any one or any combination of the following causes:

(1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in

response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;

(2) Failing to meet the minimum qualifications for certification or licensure or renewal established by sections 339.500 to 339.549;

(3) Paying money or other valuable consideration, other than as provided for by section 339.513, to any member or employee of the commission to procure a certificate or license pursuant to sections 339.500 to 339.549;

(4) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to sections 339.500 to 339.549 for any offense of which an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;

(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in or pursuant to sections 339.500 to 339.549;

(7) Failure to comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation;

(8) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(9) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

(10) Violating, assisting or enabling any person to willfully disregard any of the provisions of sections 339.500 to 339.549 or the regulations of the commission for the administration and enforcement of the provisions of sections 339.500 to 339.549;

(11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment;

(12) Violating the confidential nature of governmental records to which the person gained access through employment or engagement to perform an appraisal assignment or specialized appraisal services for a governmental agency;

(13) Violating any term or condition of a certificate or license issued by the commission pursuant to the authority of sections 339.500 to 339.549;

(14) Violation of any professional trust or confidence;

(15) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(16) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and currently eligible to practice pursuant to sections 339.500 to 339.549;

(17) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(18) Disciplinary action against the holder of a license, certificate or other right to practice any profession regulated pursuant to sections 339.500 to 339.549, imposed by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(19) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or certification, or for license or certification renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(20) Engaging in or committing, or assisting any person in engaging in or committing, any practice or act of mortgage fraud, as defined in section 443.930;

**(21) Influencing or attempting to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, or bribery.**

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the commission may, singly or in combination, publicly censure or place the person named in the complaint on probation on such terms and conditions as the commission deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke, the certificate or license. The holder of a certificate or license, **or the legal entity and any controlling person in the case of an appraisal management company**, revoked pursuant to this section may not obtain certification as a state-certified real estate appraiser [or], licensure as a state-licensed real estate appraiser, **or licensure as an appraisal management company** for at least five years after the date of revocation.

4. Notwithstanding other provisions of this section, a real estate appraiser license or certification **or an appraisal management company license** shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant, **or any controlling person in the case of an appraisal management company**, has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of mortgage fraud as defined in section 570.310. The commission shall notify the individual **or legal entity** of the reasons for the revocation in writing, by certified mail.

5. A person, **or the legal entity or controlling person in the case of an appraisal management company**, whose license is revoked under subsection 4 of this section may appeal such revocation to the administrative hearing commission, as provided by chapter 621, within ninety days from the time the commission mails the notice of revocation. A person who fails to do so waives all rights to appeal the revocation.

6. A certification of a state-certified real estate appraiser [or], a license of a state-licensed real estate appraiser, **or a license of an appraisal management company** that has been suspended as a result of disciplinary action by the commission shall not be reinstated, and a person, **controlling person, or legal**



**entity** may not obtain certification as a state-certified real estate appraiser [or], licensure as a state-licensed real estate appraiser, **or licensure as an appraisal management company** subsequent to revocation, unless the applicant presents evidence of completion of the continuing education required by section 339.530 during the period of suspension or revocation as well as fulfillment of any other conditions imposed by the commission. Applicants for recertification, relicensure or reinstatement also shall be required to successfully complete the examination for original certification or licensure required by section 339.515 as a condition to reinstatement of certification or licensure, or recertification or relicensure subsequent to revocation.

339.533. 1. The chairperson of the commission may administer oaths, issue subpoenas, and issue subpoenas duces tecum requiring the production of documents and records. Subpoenas and subpoenas duces tecum shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person, **controlling person, or other legal entity** to produce original documents in response to a subpoena duces tecum, the commission may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The commission may enforce its subpoenas and subpoenas duces tecum by applying to the circuit court of Cole County; the county of the investigation, hearing, or proceeding; or any county where the person, **controlling person, or other legal entity** subpoenaed resides or may be found for an order to show cause why such subpoena should not be enforced, such order and a copy of the application therefor to be served upon the person in the same manner as a summons in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court.

339.535. [State certified] **State-certified** real estate appraisers [and state licensed], **state-licensed** real estate appraisers, **state-licensed appraiser trainees, and state-certified appraiser trainees** shall comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation.

339.537. 1. State-certified real estate appraisers and state licensed real estate appraisers shall retain originals or true copies of contracts engaging an appraiser's services for appraisal assignments, specialized appraisal services, appraisal reports, and supporting data assembled and formulated in preparing appraisal reports, for five years. The period for retention of the records applicable to each engagement of the services of the state-certified real estate appraiser or state-licensed real estate appraiser shall run from the date of the submission of the appraisal report to the client. Upon requests by the commission, these records shall be made available by the state-certified real estate appraiser or state-licensed real estate appraiser for inspection and copying at his or her expense, by the commission on reasonable notice to the state-certified real estate appraiser or state-licensed real estate appraiser. When litigation is contemplated at any time, reports and records shall be retained for two years after the final disposition.

**2. All appraisal management company records shall be retained by the appraisal management company for five years. Upon request by the commission, such records shall promptly be made available to the commission for inspection and copying at the expense of the appraisal management company.**

339.541. 1. It shall be a class B misdemeanor for any person to practice any deception or fraud with respect to his **or her** identity in connection with an application for certification or licensure or in the taking of an examination for certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser or by holding himself **or herself** out to any member of the public or representing himself **or herself** as a state certified real estate appraiser or a state licensed real estate appraiser when, in

fact, he **or she** is not so.

**2. It shall be a class B misdemeanor for any corporation, business, or controlling person to practice any deception or fraud in its identity in connection with an application or holding out to any member of the public or representation as a licensed appraisal management company when in fact it is not so.**

339.543. 1. If the commission believes that an appraiser, **business, corporation, or controlling person** has engaged in, is engaging in, or has willfully taken a substantial step toward engaging in an act, practice, omission, or course of business constituting mortgage fraud, as defined in section 443.930, or that a person, **business, corporation, or controlling person** has materially aided or is materially aiding any such act, practice, omission, or course of business, the commission may maintain an action in the circuit court of any county of the state or any city not within a county to enjoin the person, **business, corporation, or controlling person**. Upon a proper showing, the court may issue a permanent or temporary injunction, restraining order, or declaratory judgment.

2. The court may impose a civil penalty against the person, **business, corporation, or controlling person** not to exceed two thousand five hundred dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances including, but not limited to, a temporary suspension of any license issued by the commission.

3. The commission may initiate an investigation and take all measures necessary to find the facts of any potential violation of this section, including issuing subpoenas to compel the attendance and testimony of witnesses and the production of documents and other evidence. The commission may conduct joint investigations, enter into confidentiality agreements, and share information obtained relating to an investigation under this section with other governmental agencies.

4. The enforcement authority of the commission under this section is cumulative to any other statutory authority of the commission.

339.545. **1.** The commission shall take such action as is necessary to be able to issue general certificates, residential certificates and licenses to qualified persons.

**2. The commission shall take action as is necessary to be able to issue licenses to qualified applicants seeking licensure as an appraisal management company.**

339.549. 1. It is unlawful for any person, **business, corporation, or controlling person** not certified or licensed pursuant to sections 339.500 to 339.549 to perform any act for which certification or licensure is required. Upon application by the commission, and the necessary burden having been met, a court may grant an injunction, restraining order or other order as may be appropriate to enjoin a person, **business, corporation, or controlling person** from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate or license is required by sections 339.500 to 339.549 upon a showing that such acts or practices were performed or offered to be performed without a certificate or license; or

(2) Engaging in any practice or business authorized by a certificate or license issued pursuant to sections 339.500 to 339.549 upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client of the certificate holder or licensee.

2. Any such action shall be commenced in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any actions brought pursuant to this section shall be in addition to and not in lieu of any penalty provided by sections 339.500 to 339.549 and may be brought concurrently with other actions to enforce the provisions of this chapter.

[339.1100. Sections 339.1100 to 339.1240 shall be known and may be cited as the “Missouri Appraisal Management Company Registration and Regulation Act”.]

[339.1105. As used in sections 339.1100 to 339.1240, unless the context otherwise requires, the following terms shall mean:

(1) “Appraisal” or “real estate appraisal”, an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis;

(2) “Appraisal firm”, a person, limited liability company, partnership, association, or corporation whose principal is an appraiser licensed under sections 339.500 to 339.549 which for compensation prepares and communicates appraisals, reviews appraisals prepared by others, provides appraisal consultation services, and supervises, trains, and reviews work produced or certified by persons licensed under sections 339.500 to 339.549 who produce appraisals;

(3) “Appraisal management company”, an individual or business entity that utilizes an appraisal panel and performs, directly or indirectly, appraisal management services;

(4) “Appraisal management services”, to directly or indirectly perform any of the following functions on behalf of a lender, financial institution, client, or any other person:

(a) Administer an appraiser panel;

(b) Recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel;

(c) Receive an order for an appraisal from one person and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;

(d) Track and determine the status of orders for appraisals;

(e) Conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal; and

(f) Provide a completed appraisal performed by an appraiser to one or more persons who have ordered an appraisal;

(5) “Appraisal review”, the act or process of developing and communicating an opinion about the quality of another appraiser’s work that was performed as part of an appraisal assignment, except that an examination of an appraisal for grammatical, typographical, or other similar errors shall not be an appraisal review;

(6) “Appraiser”, an individual who holds a license as a state licensed real estate appraiser or certification as a state certified real estate appraiser under this chapter;

(7) “Appraiser panel”, a network of licensed or certified appraisers that have:

(a) Responded to an invitation, request, or solicitation from an appraisal management company, in any form, to perform appraisals for persons that have ordered appraisals through the appraisal

management company or to perform appraisals for the appraisal management company directly; and

(b) Been selected and approved by an appraisal management company to perform appraisals for any client of the appraisal management company that has ordered an appraisal through the appraisal management company or to perform appraisals for the appraisal management company directly;

(8) "Commission", the Missouri real estate appraisers commission created in section 339.507;

(9) "Controlling person":

(a) An owner, officer or director of a corporation, partnership, or other business entity seeking to offer appraisal management services in this state;

(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or

(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company;

(10) "State certified real estate appraiser", a person who develops and communicates real estate appraisals and who holds a current valid certificate issued to the person for either general or residential real estate under this chapter;

(11) "State licensed real estate appraiser", a person who holds a current valid real estate appraiser license issued under this chapter.]

[339.1110. 1. No person shall directly or indirectly engage or attempt to engage in business as an appraisal management company, to directly or indirectly engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a registration issued by the commission under sections 339.1100 to 339.1240.

2. The registration required by subsection 1 of this section shall, at a minimum, include the following:

(1) Name of the entity seeking registration;

(2) Business address of the entity seeking registration, which shall be located and maintained within this state;

(3) Phone contact information of the entity seeking registration;

(4) If the entity is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state;

(5) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent or more of the appraisal management company;

(6) The name, address, and contact information for a designated controlling person to be the primary communication source for the commission;

(7) A certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company for appraisal services to be performed in Missouri holds a license in good standing in Missouri, if a license or certification is required to perform appraisals under section 339.1180;

(8) A certification that the entity has a system in place to review the work of all appraisers who are performing real estate appraisal services for the appraisal management company on a periodic basis to validate that the real estate appraisal services are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP) under section 339.1185;

(9) A certification that the entity maintains a detailed record of each service request that it receives for appraisal services within the state of Missouri and the appraiser who performs the real estate appraisal services for the appraisal management company under section 339.1190;

(10) An irrevocable uniform consent to service of process under section 339.1130; and

(11) Any other reasonable information required by the commission to complete the registration process.]

[339.1115. Sections 339.1100 to 339.1240 shall not apply to:

(1) The performance of services as an appraisal firm;

(2) A national or state bank, federal or state savings institution, or credit union that is subject to direct regulation or supervision by an agency of the United States government, or by the department of insurance, financial institutions or professional registration, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser who is an independent contractor to the institution. An entity exempt as provided in this subdivision shall file a notice with the commission containing the information required in section 339.1110;

(3) An appraiser that enters into an agreement, whether written or otherwise, with an appraiser for the performance of an appraisal, and upon the completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal;

(4) A state agency or local municipality that orders appraisals for ad valorem tax purposes or any other business on behalf of the state of Missouri;

(5) Any person licensed to practice law in this state, a court-appointed personal representative, or a trustee who orders an appraisal in connection with a bona fide client relationship when such person directly contracts with an independent appraiser.]

[339.1120. An applicant for a registration as an appraisal management company shall submit to the commission an application containing the information required in subsection 2 of section 339.1110 on a form prescribed by the commission.]

[339.1125. Registration shall be valid for two years from its issuance.]

[339.1130. Each entity applying for a registration as an appraisal management company in Missouri shall complete an irrevocable uniform consent to service of process, as prescribed by the commission.]

[339.1135. 1. The commission shall establish by rule the fee to be paid by each appraisal

management company seeking registration under sections 339.1100 to 339.1240, such that the sum of the fees paid by all appraisal management companies seeking registration under this section shall be sufficient for the administration of sections 339.1100 to 339.1240. The commission shall charge and collect fees to be utilized to fund activities that may be necessary to carry out the provisions of this chapter.

2. Each applicant for registration shall post with the commission and maintain on renewal a surety bond in the amount of twenty thousand dollars. The details of the bond shall be prescribed by rule of the commission, however, the bond shall not be used to assist appraisers in collection efforts of credit extended by the appraiser.

3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 339.1100 to 339.1240 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 339.1100 to 339.1240 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 2010, shall be invalid and void.]

[339.1140. 1. An appraisal management company applying for a registration in Missouri shall not be more than ten percent owned by:

(1) A person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state;

(2) An entity that is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state.

2. Each person who owns more than ten percent of an appraisal management company in this state shall:

(1) Be of good moral character, as determined by the commission; and

(2) Submit to a background investigation, as determined by the commission.

3. Each appraisal management company applying for registration shall certify to the commission that it has reviewed each entity that owns more than ten percent of the appraisal management company and that no entity that owns more than ten percent of the appraisal management company is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation.

4. Each appraisal management company shall notify the commission within thirty days of a change in its controlling principal, agent of record, or ownership composition.]

[339.1145. 1. Each appraisal management company applying to the commission for a registration in this state shall designate one compliance manager who will be the main contact for all communication between the commission and the appraisal management company.

2. The designated controlling person under subsection 1 of this section shall:

(1) Have never had a license or certificate to act as an appraiser refused, denied, canceled,

revoked, or surrendered in lieu of a pending revocation in any state;

- (2) Be of good moral character, as determined by the commission; and
- (3) Submit to a background investigation, as determined by the commission.]

[339.1150. An appraisal management company that applies to the commission for registration to do business in this state as an appraisal management company under subdivision (1) of section 339.1115 shall not:

(1) Employ any person directly involved in appraisal management services who has had a license or certificate to act as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation;

(2) Knowingly enter into any independent contractor arrangement, whether in verbal, written, or other form, with any person who has had a license or certificate to act as an appraiser in Missouri or in any other state refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation;

(3) Knowingly enter into any contract, agreement, or other business relationship directly involved with the performance of real estate appraisal or appraisal management services, whether in verbal, written, or any other form, with any entity that employs, has entered into an independent contract arrangement, or has entered into any contract, agreement, or other business relationship, whether in verbal, written, or any other form, with any person who has ever had a license or certificate to act as an appraiser in Missouri or in any other state, refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation.]

[339.1155. Prior to placing an assignment for real estate appraisal services within the state of Missouri with an appraiser on the appraiser panel of an appraisal management company, the appraisal management company shall have a system in place to verify that the appraiser receiving the assignment holds a credential in good standing in the state of Missouri. Letters of engagement shall include instructions to the appraiser to decline the assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.]

[339.1160. Any employee or independent contractor of the appraisal management company who performs an appraisal review shall be an individual who holds a license as a state licensed real estate appraiser or certification as a state certified real estate appraiser under this chapter. Letters of engagement shall include instructions to the appraiser to decline the appraisal review assignment in the event the appraiser is not geographically competent or the assignment falls outside the appraiser's scope of practice restrictions.]

[339.1170. Each appraisal management company seeking to be registered shall certify to the commission on a biannual basis on a form prescribed by the commission that the appraisal management company has a system and process in place to verify that an individual being added to the appraiser panel of the appraisal management company holds a license in good standing in this state under this chapter.]

[339.1175. Each appraisal management company seeking to be registered shall certify to the commission on a biannual basis on a form prescribed by the commission that the appraisal management company has a system in place to verify that an individual to whom the appraisal

management company is making an assignment for the completion of an appraisal has not had a license or certification as an appraiser refused, denied, cancelled, revoked, or surrendered in lieu of a pending revocation on a regular basis.]

[339.1180. Each registered appraisal management company shall certify to the commission on a biannual basis that it has a system in place to perform an appraisal review on a periodic basis of the work of all appraisers who are performing appraisals for the appraisal management company to validate that the appraisals are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP). An appraisal management company shall report to the commission the results of any appraisal reviews in which an appraisal is found to be substantially noncompliant with USPAP or state or federal laws pertaining to appraisals.]

[339.1185. 1. Each appraisal management company seeking to be registered shall certify to the commission biannually that it maintains a detailed record of each service request for appraisal services within the state of Missouri and that it receives of each appraiser who performs an appraisal for the appraisal management company in the state of Missouri.

2. All appraisal management company records shall be retained for five years.]

[339.1190. 1. An appraisal management company shall not prohibit its appraiser who is part of an appraiser panel from recording the fee that the appraiser was paid by the appraisal management company for the performance of the appraisal within the appraisal report that is submitted by the appraiser to the appraisal management company.

2. An appraisal management company shall separately state to the client the fees paid to an appraiser for appraisal services and the fees charged by the appraisal management company for services associated with the management of the appraisal process, including procurement of the appraiser's services.]

[339.1200. 1. No employee, director, officer, or agent of an appraisal management company shall influence or attempt to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery or in any other manner, including but not limited to:

(1) Withholding or threatening to withhold timely payment for an appraisal, except in cases of substandard performance or noncompliance with conditions of engagement;

(2) Withholding or threatening to withhold future business, or demoting, terminating, or threatening to demote or terminate an appraiser;

(3) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser;

(4) Conditioning the request for an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

(5) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

(6) Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a



subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided;

(7) Providing to an appraiser, or any entity or person related to the appraiser, stock or other financial or nonfinancial benefits;

(8) Allowing the removal of an appraiser from an appraiser panel without prior written notice to such appraiser;

(9) Any other act or practice that knowingly impairs or attempts to impair an appraiser's independence, objectivity, or impartiality;

(10) Requiring an appraiser to collect an appraisal fee on behalf of the appraisal management company from the borrower, homeowner, or other third party; or

(11) Requiring an appraiser to indemnify an appraisal management company or hold an appraisal management company harmless for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company, and not the services performed by the appraiser.

2. Nothing in subsection 1 of this section shall prohibit the appraisal management company from requesting that an appraiser:

(1) Provide additional information about the basis for a valuation; or

(2) Correct objective factual errors in an appraisal report; or

(3) Provide additional information with the appraisal regarding additional sales provided through an established dispute process.]

[339.1205. An appraisal management company shall not:

(1) Require an appraiser to modify any aspect of an appraisal report unless the modification complies with section 339.1200;

(2) Require an appraiser to prepare an appraisal report if the appraiser, in the appraiser's own professional judgment, believes the appraiser does not have the necessary expertise for the assignment or for the specific geographic area, and has notified the appraisal management company and declined the assignment;

(3) Require an appraiser to prepare an appraisal under a time frame that the appraiser, in the appraiser's own professional judgment, believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations, and has notified the appraisal management company and declined the assignment;

(4) Prohibit or inhibit legal or other allowable communication between the appraiser and:

(a) The lender;

(b) A real estate licensee; or

(c) Any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;

(5) Knowingly require the appraiser to do anything that does not comply with:

(a) Uniformed Standards of Professional Appraisal Practice (USPAP);

- (b) The Missouri certified and licensed real estate appraisers act established under this chapter;  
or
- (c) Any assignment conditions and certifications required by the client;
- (6) Make any portion of the appraiser's fee or the appraisal management company's fee contingent on a predetermined or favorable outcome, including but not limited to:
- (a) A loan closing; or
- (b) Specific dollar amount being achieved by the appraiser in the appraisal report.]

[339.1210. Each appraisal management company shall, except in cases of breach of contract or substandard performance of services, make payment to an appraiser for the completion of an appraisal or valuation assignment within thirty days, unless a mutually agreed upon alternate payment schedule exists, from when the appraiser transmits or otherwise provides the completed appraisal or valuation study to the appraisal management company or its assignee.]

[339.1215. 1. An appraisal management company shall not alter, modify, or otherwise change a completed appraisal report submitted by an appraiser by:

- (1) Permanently removing the appraiser's signature or seal; or
- (2) Adding information to, or removing information from, the appraisal report with an intent to change the valuation conclusion.

2. No registered appraisal management company shall require an appraiser to provide the appraisal management company with the appraiser's digital signature or seal.]

[339.1220. 1. The commission shall issue a unique registration number to each appraisal management company.

2. The commission shall publish a list of the appraisal management companies that have registered under sections 339.1100 to 339.1240 and have been issued a registration number.

3. An appraisal management company shall be required to disclose the registration number on each engagement letter utilized in assigning an appraisal request for real estate appraisal assignments within the state of Missouri.]

[339.1230. 1. Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company shall not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without:

(1) Notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company;

(2) If the appraiser is being removed from the panel for illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing standards, describing the nature of the alleged conduct or violation; and

(3) Providing an opportunity for the appraiser to respond to the notification of the appraisal management company.

2. An appraiser who is removed from the appraiser panel of an appraisal management company

for alleged illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or violation of state licensing standards may file a complaint with the commission for a review of the decision of the appraisal management company; except that, in no case shall the commission make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company which is unrelated to the actions specified in subsection 1 of this section.

3. If after notice and an opportunity for hearing and review, the commission determines that an appraiser did not commit a violation of law, a violation of the Uniform Standards of Professional Appraisal Practice (USPAP), or a violation of state licensing standards, the commission shall order that such appraiser be added to the appraiser panel of the appraisal management company.

4. If the commission has found that the appraisal management company acted improperly in removing the appraiser from the appraiser panel, an appraisal management company shall not refuse to make assignments for real estate appraisal services to an appraiser, or reduce the number of assignments, or otherwise penalize the appraiser.]

[339.1235. The commission may censure an appraisal management company, conditionally or unconditionally suspend or revoke any registration issued under sections 339.1100 to 339.1240, or impose civil penalties not to exceed one thousand dollars for each offense. Each day of a continued violation constitutes a separate offense, with a maximum penalty of ten thousand dollars. In determining the amount of penalty to be imposed, the commission may consider if an appraisal management company is:

- (1) Knowingly committing any act in violation of sections 339.1100 to 339.1240;
- (2) Violating any rule adopted by the commission; or
- (3) Procuring a license by fraud, misrepresentation, or deceit.]

[339.1240. The conduct of adjudicatory proceedings for violations of this section is vested in the commission, provided:

(1) Before censuring any registrant, or suspending or revoking any registration, the commission shall notify the registrant in writing of any charges made at least twenty days before the hearing and shall afford the registrant an opportunity to be heard in person or by counsel; and

(2) Written notice shall be satisfied by personal service on the controlling person of the registrant, or the registrant's agent for service of process in this state, or by sending the notice by certified mail, return receipt requested to the controlling person of the registrant to the registrant's address on file with the commission.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Munzlinger offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 1103, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“228.341. For purposes of sections 228.341 to 228.374, “private road” with regard to a proceeding to obtain a maintenance order means any private road established under this chapter or any easement**

of access, regardless of how created, which provides a means of ingress and egress by motor vehicle for any owner or owners of residences from such homes to a public road. A private road does not include any road owned by the United States or any agency or instrumentality thereof, or the state of Missouri, or any county, municipality, political subdivision, special district, instrumentality, or agency of the state of Missouri. Nothing in sections 228.341 to 228.374 shall be deemed to apply to any road created by or included in any recorded plat referencing or referenced in an indenture or declaration creating an owner's association, regardless of whether such road is designated as a common element. Nothing in sections 228.341 to 228.374 shall be deemed to apply to any land or property owned or operated by any railroad regulated by the Federal Railroad Administration.

228.368. The costs of the proceedings to establish or widen a private road incurred up to and including the filing of the commissioners' report shall be paid by the plaintiff; and the court, as to any costs incurred in proceedings subsequent thereto, including the costs of the jury trial, may make such order as in its discretion may be deemed just, **including, in the case of a proceeding to obtain a maintenance order, assessing the costs to all benefitted homeowners.**

**228.369. 1. For any private road subject to the use of more than one homeowner, in the absence of a prior order or written agreement for the maintenance of the private road, including covenants contained in deeds or state or local permits providing for the maintenance of a private road, when adjoining homeowners who are benefitted by the use of an abutting private road, or homeowners who have an easement to use a private road, collectively owners or benefitted owners are unable to agree in writing upon a plan of maintenance for the maintenance, repair, or improvement of the private road and including the assessment and apportionment of costs for the plan of maintenance, one or more of the owners may petition the circuit court for an order establishing a plan of maintenance.**

**2. The cost of a plan of maintenance for a private road shall be apportioned among the owners of residences abutting the private road and holders of easements to use the private road, with the cost apportioned commensurate with the use and benefit to residences benefitted by the access, as mutually agreed by the benefitted homeowners or as ordered by the court with such method of apportionment as agreed by the homeowners or ordered by the court, including, but not limited to, equal division, or proportionate to the residential assessed value, or to front footage, or to usage or benefit.**

**3. The court may implement the same procedures to order and subsequently determine a plan of maintenance for a private road as provided in this chapter for establishing or widening a private road, including the appointment and compensation of disinterested commissioners to determine the plan and the apportionment of costs.**

**4. Where the homeowners who are benefitted by the private road are not able to agree upon the designation of a supervisor to complete the plan of maintenance, the commissioners appointed by the court shall designate a supervisor who shall be compensated for his or her services in the same manner as the commissioners.**

**5. Any agreement executed by all the homeowners, or final order approving, a plan of maintenance for a private road shall be recorded with the county recorder of deeds.**

**6. One or more adjoining homeowners or holders of any easement to use a private road may bring an action to enforce the plan of maintenance for a private road, whether as mutually agreed or as ordered by the court.**

**228.374. 1. A prior agreement or court order establishing a plan of maintenance may be amended or modified and may be restated at any time by a recorded agreement signed by all the homeowners or other benefitted owners.**

**2. No court proceeding under section 228.369 to amend, modify, or restate a plan of maintenance may be filed sooner than seven years from the entry of a prior order, except upon a prima facie showing that the real property benefitted by the private road has been developed or divided in a manner rendering the plan of maintenance obsolete or showing that the existing apportionment of the use and benefit to residences benefitted by the access to the private road is no longer equitable.”;** and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Parson, **HB 1103**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS No. 2 for HB 1462**, entitled:

An Act to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to the Missouri Qualified Biodiesel Producer Incentive Fund.

Was taken up by Senator Munzlinger.

On motion of Senator Munzlinger, **HCS No. 2 for HB 1462** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Dempsey	Dixon	Engler	Goodman	Kehoe	Kraus
Lager	Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson

Pearce          Richard          Rupp          Schaaf          Schaefer          Schmitt          Stouffer          Wasson—24

NAYS—Senators  
 Callahan          Crowell          Cunningham          Curls          Green          Justus          Keaveny          Ridgeway  
 Wright-Jones—9

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 1644** was placed on the Informal Calendar.

**HB 1105**, introduced by Representative Day, entitled:

An Act to repeal section 41.050, RSMo, and to enact in lieu thereof one new section relating to the state militia.

Was taken up by Senator Kraus.

On motion of Senator Kraus, **HB 1105** was read the 3rd time and passed by the following vote:

YEAS—Senators  
 Brown          Callahan          Chappelle-Nadal          Crowell          Cunningham          Curls          Dempsey          Dixon  
 Engler          Goodman          Green          Justus          Keaveny          Kehoe          Kraus          Lager  
 Lamping          Lembke          Mayer          McKenna          Munzlinger          Nieves          Parson          Pearce  
 Richard          Ridgeway          Rupp          Schaaf          Schaefer          Schmitt          Stouffer          Wasson  
 Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 1340**, entitled:

An Act to amend chapter 49, RSMo, by adding thereto one new section relating to county officers.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **HCS** for **HB 1340** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Dixon	Engler
Goodman	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke	McKenna
Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp	Schaaf
Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—29			

NAYS—Senators

Curls Justus—2

Absent—Senators

Green Mayer—2

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

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

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

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

**HB 1236**, introduced by Representative Entlicher, et al, entitled:

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to third party candidates.

Was taken up by Senator Parson.

On motion of Senator Parson, **HB 1236** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senator Mayer—1

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

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

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

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

At the request of Senator Stouffer, **HCS** for **HB 1402**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Schaefer, **HCS No. 2** for **HB 1317**, with **SCS**, was placed on the Informal Calendar.

**HB 1460**, introduced by Representative Jones (117), et al, with **SCS**, entitled:

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with penalty provisions.

Was taken up by Senator Goodman.

**SCS** for **HB 1460**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1460

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with existing penalty provisions.

Was taken up.

Senator Goodman moved that **SCS** for **HB 1460** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HB 1460** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard
Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—31	

NAYS—Senators

Lembke            Ridgeway—2

Absent—Senators—None

Absent with leave—Senator Purgason—1

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

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1245**, entitled:

An Act to repeal sections 135.953, 620.1878 and 620.1881, RSMo, and to enact in lieu thereof six new sections relating to the Missouri quality jobs act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 837**.

Bill ordered enrolled.

**CONCURRENT RESOLUTIONS**

Senator Stouffer moved that **SCR 26** be taken up for adoption, which motion prevailed.

On motion of Senator Stouffer, **SCR 26** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

Senator Stouffer moved that **HCR 36** be taken up for adoption, which motion prevailed.

On motion of Senator Stouffer, **HCR 36** was adopted by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

### HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS No. 2 for HB 1475**—General Laws.

On motion of Senator Dempsey, the Senate recessed until 12:30 p.m.

### RECESS

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

### HOUSE BILLS ON THIRD READING

**HCS for HB 1193**, with **SCS**, entitled:

An Act to repeal sections 195.060, 195.080, and 334.747, RSMo, and to enact in lieu thereof thirteen new sections relating to a prescription drug monitoring system, with penalty provisions.

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

**SCS for HCS for HB 1193**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1193

An Act to repeal sections 195.015, 195.060, 195.080, and 334.747, RSMo, and to enact in lieu thereof thirteen new sections relating to a prescription drug monitoring program, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS for HCS for HB 1193** be adopted.

A quorum was established by the following vote:

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Justus	Keaveny	Kehoe	Kraus	Lager	Lembke
Mayer	McKenna	Munzlinger	Parson	Pearce	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

Absent—Senators

Green	Lamping	Nieves—3
-------	---------	----------

Absent with leave—Senator Purgason—1

Vacancies—None

Senator Schaaf offered **SS** for **SCS** for **HCS** for **HB 1193**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1193

An Act to repeal sections 195.015, 195.060, 195.080, and 334.747, RSMo, and to enact in lieu thereof thirteen new sections relating to a prescription drug monitoring program, with penalty provisions and a referendum clause.

Senator Schaaf moved that **SS** for **SCS** for **HCS** for **HB 1193** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1193, Page 1, In the Title, Lines 4-5 of said title, by striking the words “a prescription drug monitoring program, with penalty provisions” and inserting in lieu thereof the following: “controlled substances”; and

Further amend said bill, pages 6-7, section 195.450, by striking all of said section from the bill; and

Further amend said bill, pages 7-9, section 195.453, by striking all of said section from the bill; and

Further amend said bill, pages 9-11, section 195.456, by striking all of said section from the bill; and

Further amend said bill, pages 11-12, section 195.459, by striking all of said section from the bill; and

Further amend said bill, page 12, lines 3-15 of said page, section 195.462, by striking all of said section from the bill; and

Further amend said bill, pages 12-13, section 195.465, by striking all of said section from the bill; and

Further amend said bill, page 13, section 195.468, lines 3-27 of said page, by striking all of said section from the bill; and

Further amend said bill, pages 13-14, section 195.474, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

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

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

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1193, Page 1, In the Title, Lines 4-5 of said title, by striking the words “a prescription drug monitoring program, with penalty provisions” and inserting in lieu thereof the following: “controlled substances”; and

Further amend said bill, pages 6-7, section 195.450, by striking all of said section from the bill; and

Further amend said bill, pages 7-9, section 195.453, by striking all of said section from the bill; and

Further amend said bill, pages 9-11, section 195.456, by striking all of said section from the bill; and

Further amend said bill, pages 11-12, section 195.459, by striking all of said section from the bill; and

Further amend said bill, page 12, lines 3-15 of said page, section 195.462, by striking all of said section from the bill; and

Further amend said bill, pages 12-13, section 195.465, by striking all of said section from the bill; and

Further amend said bill, page 13, section 195.468, lines 3-27 of said page, by striking all of said section from the bill; and

Further amend said bill, pages 13-14, section 195.474, by striking all of said section from the bill; and

Further amend said bill, page 17, Section 195.477, line 8 of said page, by striking “twelve” and inserting in lieu thereof the following: “six”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above substitute amendment be adopted.

Senator Schaaf offered **SA 1** to **SSA 1** for **SA 1**:

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1193, Page 1, Line 4, by striking the word “substances” and inserting in lieu thereof the following: “prescriptions”.

Senator Schaaf moved that the above amendment be adopted.

Senator Kehoe assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Brown	Chappelle-Nadal	Curls	Dempsey	Dixon	Engler	Goodman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer	Munzlinger
Parson	Pearce	Richard	Rupp	Schaaf	Schaefer	Schmitt	Wasson

Wright-Jones—25

Absent—Senators

Callahan	Crowell	Cunningham	Green	McKenna	Nieves	Ridgeway	Stouffer—8
----------	---------	------------	-------	---------	--------	----------	------------

Absent with leave—Senator Purgason—1

Vacancies—None

A quorum was established by the following vote:

Present—Senators

Brown	Callahan	Curls	Dempsey	Dixon	Engler	Goodman	Justus
Kehoe	Lamping	Mayer	McKenna	Munzlinger	Parson	Pearce	Richard
Schaaf	Schaefer	Wasson	Wright-Jones—20				

Absent—Senators

Chappelle-Nadal	Crowell	Cunningham	Green	Keaveny	Kraus	Lager	Lembke
Nieves	Ridgeway	Rupp	Schmitt	Stouffer—13			

Absent with leave—Senator Purgason—1

Vacancies—None

Senator Pearce assumed the Chair.

At the request of Senator Schaaf, **SA 1 to SSA 1 for SA 1** was withdrawn.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1193, Page 1, Line 4, by striking the word “substances” and inserting in lieu thereof the following: “medications”.

Senator Lembke moved that the above amendment be adopted.

Senator Kehoe assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Brown	Curls	Dempsey	Dixon	Engler	Goodman	Justus	Keaveny
Kehoe	Kraus	Lembke	Mayer	McKenna	Munzlinger	Parson	Pearce
Richard	Schaefer	Wasson	Wright-Jones—20				

Absent—Senators

Callahan	Chappelle-Nadal	Crowell	Cunningham	Green	Lager	Lamping	Nieves
Ridgeway	Rupp	Schaaf	Schmitt	Stouffer—13			

Absent with leave—Senator Purgason—1

Vacancies—None

At the request of Senator Lembke, **SA 2 to SSA 1 for SA 1** was withdrawn.

Senator Schaaf offered **SA 3 to SSA 1 for SA 1**, which was read:

SENATE AMENDMENT NO. 3 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1193, Page 1, Line 4, by striking the word “substances” and inserting in lieu thereof the following: “prescriptions”.

Senator Schaaf moved that the above amendment be adopted.

Senator Pearce assumed the Chair.

At the request of Senator Engler, **HCS for HB 1193**, with **SCS, SS for SCS, SA 1, SSA 1 for SA 1 and SA 3 to SSA 1 for SA 1** (pending), was placed on the Informal Calendar.

**SENATE BILLS FOR PERFECTION**

Senator Engler moved that **SB 710**, with **SCS and SS No. 2 for SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Engler, **SS No. 2 for SCS for SB 710** was withdrawn.

Senator Engler offered **SS No. 3 for SCS for SB 710**, entitled:

SENATE SUBSTITUTE NO. 3 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 710

An Act to repeal sections 195.015, 195.060, 195.080, and 334.747, RSMo, and to enact in lieu thereof thirteen new sections relating to controlled substances, with penalty provisions and a referendum clause.

Senator Engler moved that **SS No. 3 for SCS for SB 710** be adopted, which motion prevailed.

On motion of Senator Engler, **SS No. 3 for SCS for SB 710** was declared perfected and ordered printed.

President Pro Tem Mayer assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Engler, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1036**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HJR 41**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

On behalf of Senator Stouffer, Chairman of the Committee on Transportation, Senator Dempsey submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS for HB 1150**, begs leave

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

On behalf of Senator Lager, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, Senator Dempsey submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1361**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1072**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1563**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Pearce, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 1337**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1722**, begs leave to report that it has considered the same and recommends that the bill do pass.

#### **MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1526**, entitled:

An Act to repeal sections 168.124, 168.221, and 168.291, RSMo, and to enact in lieu thereof two new sections relating to school personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1803**, entitled:

An Act to amend chapter 337, RSMo, by adding thereto one new section relating to school social workers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1455**, entitled:

An Act to repeal sections 67.1305, 142.869, 620.478, 620.1878, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof eleven new sections relating to the manufacturing jobs act, with a penalty provision for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1710**, entitled:

An Act to repeal sections 100.293, 135.284, 135.800, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.1881, and 620.1910, RSMo, and to enact in lieu thereof sixteen new sections relating to job training programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1049**, entitled:

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1639**, entitled:

An Act to repeal sections 32.028, 32.087, 105.716, 143.071, and 144.190, RSMo, and to enact in lieu thereof eighteen new sections relating to taxation, with a penalty provision and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1988**, entitled:



An Act to repeal sections 339.500, 339.501, 339.503, 339.505, 339.509, 339.511, 339.513, 339.515, 339.517, 339.525, 339.527, 339.529, 339.532, 339.533, 339.535, 339.537, 339.541, 339.543, 339.545, 339.549, 339.1100, 339.1105, 339.1110, 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145, 339.1150, 339.1155, 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200, 339.1205, 339.1210, 339.1215, 339.1220, 339.1230, 339.1235, and 339.1240, RSMo, and to enact in lieu thereof twenty new sections relating to the Missouri certified and licensed real estate appraisers and appraisal management company regulation act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 2082, regarding Jared D. Apel, which was adopted.

Senator Stouffer offered Senate Resolution No. 2083, regarding Lance E. Olson, which was adopted.

Senator Kraus offered Senate Resolution No. 2084, regarding Michael Edson, Lee's Summit, which was adopted.

Senator Engler offered Senate Resolution No. 2085, regarding Rebecca Buffington, Belleview, which was adopted.

Senator Rupp offered Senate Resolution No. 2086, regarding Adam Marroquin, which was adopted.

Senator Pearce offered Senate Resolution No. 2087, regarding George W. Wilson, Warrensburg, which was adopted.

Senator Kehoe offered Senate Resolution No. 2088, regarding Megan L. Jolly, Taos, which was adopted.

### **INTRODUCTIONS OF GUESTS**

The President introduced to the Senate, Ethan Todd and Alex Stephens, Warrenton.

Senator Brown introduced to the Senate, Al and Karen Tabrizi and their son, Jamie, Town and Country.

Senator Dempsey introduced to the Senate, Matilda Grey, Columbia.

Senator Lamping introduced to the Senate, the Physician of the Day, Dr. Joseph F. Kras, Olivette.

Senator Stouffer introduced to the Senate, fourth grade students from Macon Elementary.

Senator Richard introduced to the Senate, David E. Hendrix, Roderick May, Jaime Pacheco, Jeff Messens, Heather Thorne, Janice Eaton, Vance Keaton, Jeff and Donna Jones, Russell and Kay Hively, Bill Franks, Bethany and Roxanne Thomasson and Diane Toomoth, Neosho.

Senator Dixon introduced to the Senate, Crystal Yarnell and third grade students from The Summit Preparatory School, Springfield; and John Cunningham, Mason Elmer, Spencer Jones, Alexis Workman, Olivia Frye and Paige Kimmons were made honorary pages.

Senator Green introduced to the Senate, Rosann Martz and thirty seventh grade students from Salem Lutheran, Florissant; and Galen Ambler, Camryn Cogshell, Philip Irving and Elliot Munalula were made honorary pages.

Senator Kraus introduced to the Senate, Stuart Quackenbush, Raytown.

Senator Kraus introduced to the Senate, Megan Wolfe, Jefferson City.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, May 7, 2012.

SENATE CALENDAR

---

SIXTY-SIXTH DAY—MONDAY, MAY 7, 2012

---

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1245	HCS for HB 1710
HCS for HB 1526	HCS for HB 1049
HCS for HB 1803	HCS for HB 1639
HB 1455-Gatschenberger, et al	HCS for HB 1988

SENATE BILLS FOR PERFECTION

SB 809-Lamping, with SCS	SB 765-Schaefer
SB 745-Lembke	SB 860-Nieves, with SCS

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HB 1051-Allen, et al, with SCS<br>(Lager) (In Fiscal Oversight) | 7. HB 1036-Dugger, with SCS (Engler)   |
| 2. HB 1403-Schatz, et al (Dempsey)<br>(In Fiscal Oversight)        | 8. HCS for HJR 41                      |
| 3. HB 1318-Riddle, et al (Kehoe)<br>(In Fiscal Oversight)          | 9. HCS for HB 1150, with SCS (Brown)   |
| 4. HCS for HB 1640, with SCS (Stouffer)<br>(In Fiscal Oversight)   | 10. HCS for HB 1361 (Lager)            |
| 5. HB 1170-Franz, with SCS (Parson)                                | 11. HCS for HB 1072, with SCS (Brown)  |
| 6. HCS for HB 1498, with SCS (Schmitt)<br>(In Fiscal Oversight)    | 12. HCS for HB 1563, with SCS (Wasson) |
|  | 13. HB 1337-Stream, with SCS           |
|  | 14. HCS for HB 1722 (Pearce)           |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 806-Cunningham

SCS for SB 842-Lamping

SENATE BILLS FOR PERFECTION

SB 438-Mayer	SB 657-Rupp, with SCS (pending)
SB 439-Mayer, with SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending)	SB 659-Dempsey and Rupp
SB 442-Stouffer, with SCS	SB 661-Schmitt, with SCS (pending)
SB 449-Rupp	SB 666-Keaveny, with SCS & SS for SCS (pending)
SB 451-Cunningham, with SCS	SB 675-Crowell, with SCS (pending)
SB 454-Pearce, with SA 1 (pending)	SB 676-Nieves, with SCA 1 (pending)
SB 457-Schmitt, with SCS & SS for SCS (pending)	SB 693-Crowell
SB 465-Schaaf	SB 695-Parson
SB 474-Kraus, with SCS & SA 1 (pending)	SB 706-Cunningham, with SCS
SB 475-Lamping	SB 717-Stouffer
SB 479-Crowell	SB 743-Brown
SB 490-Munzlinger, with SCS	SB 744-Wright-Jones, with SCS & SA 2 (pending)
SB 491-Munzlinger, with SCS	SB 795-Callahan, et al, with SCS
SB 516-Schaaf, with SCS (pending)	SB 807-Dempsey
SB 547-Purgason	SB 816-Kraus, with SCS
SB 548-Purgason, with SCS	SBs 817 & 774-Parson, with SCS
SB 549-Lembke	SB 818-Parson, with SCS
SBs 553 & 435-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 834-Mayer and Parson, with SCS
SB 577-Goodman and Rupp, with SCS	SB 843-Lamping, with SCS & SS for SCS (pending)
SB 584-Richard and Kehoe, with SCS	SB 865-Pearce, with SCS
SBs 588 & 585-Schmitt, with SCS (pending)	SB 903-Lamping
SB 589-Kraus, with SCS (pending)	SB 905-Mayer
SB 596-Brown, with SCS	SB 906-Kraus, with SCS
SB 621-Brown, with SCS, SS for SCS & SA 1 (pending)	SB 909-Cunningham, et al
SB 623-Cunningham, with SCS	SJR 25-Crowell
SB 645-Schaefer	SJR 29-Lamping, with SS & SA 1 (pending)
SB 650-Ridgeway, with SS & SA 2 (pending)	SJR 30-Lamping
SB 652-Lager	SJR 39-Cunningham
SB 656-Lager and Dixon, with SCS	SJR 45-Nieves
	SJR 47-Rupp, with SCS
	SJR 50-Curls

HOUSE BILLS ON THIRD READING

HCS for HB 1094, with SCS & SA 1 (pending) (Munzlinger)	HCS for HB 1140, with SCS (Cunningham)
HB 1104-Schoeller and Smith (150), with SCS (Engler)	HCS for HB 1174, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 2 to SSA 1 for SA 1 (pending) (Pearce)
HCS for HB 1123 (Brown)	HB 1192-Koenig, et al (Cunningham)

HCS for HB 1193, with SCS, SS for SCS,  
SA 1, SSA 1 for SA 1 & SA 3 to SSA 1  
for SA 1 (pending) (Engler)  
HCS#2 for HB 1317, with SCS (Schaefer)  
SCS for HB 1331-Jones (117), et al  
(Kehoe) (In Fiscal Oversight)

HCS for HB 1402, with SCS (Stouffer)  
HCS for HB 1623, with SCS, SS#2 for SCS  
& SA 12 (pending) (Schmitt)  
HCS for HB 1644 (Purgason)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 467-Munzlinger, with HCS,  
as amended

SCS for SB 773-Parson, with HA 2 & HA 3

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 564-Brown, with HA 1, HA 2, as  
amended, HA 3, HA 4, HA 6 & HA 8  
SB 568-Parson, with HCS, as amended  
HCS for HB 2002, with SS for SCS  
(Schaefer)  
HCS for HB 2003, with SS for SCS  
(Schaefer)  
HCS for HB 2004, with SS for SCS  
(Schaefer)  
HCS for HB 2005, with SS for SCS  
(Schaefer)  
HCS for HB 2006, with SS for SCS,  
as amended (Schaefer)  
HCS for HB 2007, with SS for SCS  
(Schaefer)

HCS for HB 2008, with SS for SCS  
(Schaefer)  
HCS for HB 2009, with SS for SCS  
(Schaefer)  
HCS for HB 2010, with SS for SCS  
(Schaefer)  
HCS for HB 2011, with SS for SCS,  
as amended (Schaefer)  
HCS for HB 2012, with SS for SCS  
(Schaefer)  
HCS for HB 2013, with SS for SCS  
(Schaefer)

##### Requests to Recede or Grant Conference

SCS for SB 569-Kraus, with HCS as  
amended (Senate requests House  
recede or grant conference)  
SB 611-Lembke, with HA 1, HA 2, HA 3,  
HA 4, HA 5, HA 6, HA 7 & HA 8 (Senate  
requests House recede or grant  
conference)

SS for SCS for SB 719-Kehoe, with HA 1,  
HA 2, HA 3, as amended, HA 4, HA 5 &  
HA 6 (Senate requests House recede  
or grant conference)  
SB 736-Engler, with HA 1 (Senate  
requests House recede or grant  
conference)

RESOLUTIONS

Reported from Committee

SCR 20-Rupp  
SCR 21-Pearce, et al  
HCR 12-Davis, et al

HCR 22-Walton Gray, et al (Chappelle-Nadal)  
HCR 31-Schieffer, et al (Rupp)  
HCR 42-Rowland, et al

To be Referred

SR 2075-Dempsey

✓