

# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-SEVENTH DAY - WEDNESDAY, FEBRUARY 22, 2023**

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The Senate met pursuant to adjournment.

Senator Bean in the Chair.

Senator Crawford offered the following prayer:

“ . . . [A]nd who knoweth whether thou art come to the kingdom for such a time as this?” (Esther 4:14b)

Father in heaven, Thank You for the opportunity You have given us to serve our state in this body. As we go through this day and the days to come, help us to be respectful to one another. Give us wisdom to make good decisions—decisions that affect the citizens of our state. And let us never forget that it is YOU that has allowed us to serve for such a time as this. In Jesus’ 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.

Senator O’Laughlin announced photographers from Nexstar Media Group was given permission to take pictures in the Senate Chamber.

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

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger
Fitzwater	Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May
Moon	Mosley	O’Laughlin	Razer	Rizzo	Roberts	Rowden
Schroer	Thompson Rehder	Trent	Washington	Williams—33		

Absent—Senators—None

Absent with leave—Senator McCreery—1

Vacancies—None

## RESOLUTIONS

Senator Fitzwater offered Senate Resolution No. 176, regarding Eagle Scout Lucas Howard Konneman, Wentzville, which was adopted.

On behalf of Senator McCreery, Senator Rizzo offered Senate Resolution No. 177, regarding Eagle Scout, Benjamin Joseph Wallace, Maryland Heights, which was adopted.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 646**—By Razer.

An Act to repeal sections 43.400 and 43.401, RSMo, and to enact in lieu thereof three new sections relating to missing children.

**SB 647**—By Bernskoetter.

An Act to repeal sections 3.150, 57.952, 57.955, 57.961, 57.962, 57.967, 483.088, and 488.024, RSMo, and to enact in lieu thereof four new sections relating to the sheriffs' retirement system.

**SB 648**—By Thompson Rehder.

An Act to amend chapter 434, RSMo, by adding thereto one new section relating to pole attachment agreements, with an emergency clause.

**SB 649**—By Fitzwater.

An Act to amend chapters 67 and 442, RSMo, by adding thereto two new sections relating to foreign ownership of real estate.

**SB 650**—By Trent.

An Act to repeal section 558.031, RSMo, and to enact in lieu thereof one new section relating to credit for time served in prison.

**SJR 44**—By Bernskoetter.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 14 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the levying of certain fees for the administration of justice.

**REPORTS OF STANDING COMMITTEES**

Senator O'Laughlin, Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 45** and **90**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**HOUSE BILLS ON THIRD READING****HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2023.

Was taken up by Senator Hough.

Senator Thompson Rehder assumed the Chair.

On motion of Senator Hough, **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brown (16th Dist.)	Brown (26th Dist.)
Cierpiot	Coleman	Crawford	Eslinger	Fitzwater	Gannon	Hoskins
Hough	Koenig	Luetkemeyer	May	Mosley	O'Laughlin	Razer
Rizzo	Roberts	Rowden	Schroer	Thompson Rehder	Trent	Washington
Williams—29						

NAYS—Senators

Brattin	Carter	Eigel	Moon—4
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Absent—Senators—None

Absent with leave—Senator McCreery—1

Vacancies—None

The President declared the bill passed.

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

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

Senator O'Laughlin moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Moon moved that **SB 133**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 133**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 133

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for certain dependents.

Was taken up.

Senator Moon moved that **SCS** for **SB 133** be adopted.

Senator Moon offered **SS** for **SCS** for **SB 133**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 133

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for certain dependents.

Senator Moon moved that **SS** for **SCS** for **SB 133** be adopted, which motion prevailed.

On motion of Senator Moon, **SS** for **SCS** for **SB 133** was declared perfected and ordered printed.

Senator May moved that **SB 34** be taken up for perfection, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 34, Page 1, Section 170.341, Line 1, by inserting after the word “district” the following: “**or public charter school**”; and

Further amend said bill and section, page 2, line 29, by inserting after the word “district” the following: “**or public charter school**”; and further amend line 38, by inserting after the word “districts” the following: “**and public charter schools**”.

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

On motion of Senator May, **SB 34**, as amended, was declared perfected and ordered printed.

Senator Brown (16) moved that **SB 186** be taken up for perfection, which motion prevailed.

Senator Fitzwater assumed the Chair.

On motion of Senator Brown (16), **SB 186** was declared perfected and ordered printed.

Senator Brown (16) moved that **SB 187**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 187**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 187

An Act to amend chapter 427, RSMo, by adding thereto one new section relating to the disclosure of information pertaining to certain commercial financing products, with penalty provisions.

Was taken up.

Senator Brown (16) moved that **SCS** for **SB 187** be adopted, which motion prevailed.

On motion of Senator Brown (16), **SCS** for **SB 187** was declared perfected and ordered printed.

Senator Cierpiot moved that **SB 105** be taken up for perfection, which motion prevailed.

Senator Cierpiot offered **SS** for **SB 105**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 105

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to the assessment of real property.

Senator Cierpiot moved that **SS** for **SB 105** be adopted.

Senator Schroer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 105, Page 1, In the Title, Lines 3-4, by striking “the assessment of real property” and inserting in lieu thereof the following: “the assessment of property”; and

Further amend said bill and page, Section A, line 3, by inserting after all of said line the following:

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

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

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

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

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

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and

personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Any political subdivision that has received approval from voters for a tax increase after August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue as the amount of revenue that would have been derived by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law, except that the rate shall not exceed the greater of the most recent voter-approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in Section 22 of Article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. For school districts that levy separate tax rates

on each subclass of real property and personal property in the aggregate, if voters approved a ballot before January 1, 2011, that presented separate stated tax rates to be applied to the different subclasses of real property and personal property in the aggregate, or increases the separate rates that may be levied on the different subclasses of real property and personal property in the aggregate by different amounts, the tax rate that shall be used for the single tax rate calculation shall be a blended rate, calculated in the manner provided under subdivision (1) of subsection 6 of this section. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

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

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

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

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had the corrected or finalized assessment been available at the time of the prior calculation.

4. (1) In order to implement the provisions of this section and Section 22 of Article X of the Constitution of Missouri, the term improvements shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of

new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, sections 135.200 to 135.255, and section 353.110 shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. **Except for increases in the assessed value of motor vehicles as determined pursuant to subsection 9 of section 137.115**, the aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. **Any increase in the value of a motor vehicle from a previous year's value as determined pursuant to subsection 9 of section 137.115 shall not be considered new construction and improvements.** Notwithstanding any opt-out implemented pursuant to subsection 14 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and Section 22, Article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on February first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and Section 22 of Article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and Section 22 of Article X of the Missouri Constitution, the term "property" means all taxable property, including state-assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and Section 22 of Article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505 and section 164.013. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to Section 22 of Article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with Section 22 of Article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as established pursuant to this section and Section 22 of Article X of the Constitution of Missouri, unless otherwise provided by law.

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



pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied to the current total assessed valuation of the political subdivision, excluding new construction and improvements since the date of the election approving such increase, the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would have been derived by applying the voter-approved increased tax rate ceiling to total assessed valuation of the political subdivision, as most recently certified by the city or county clerk on or before the date of the election in which such increase is approved, increased by the percentage increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate increase shall be adjusted in the manner prescribed in this section to yield the sum of: the amount of revenue that would be derived by applying such voter-approved increased rate to the total assessed valuation, as most recently certified by the city or county clerk on or before the date of the election in which such increase was approved, increased by the percentage increase in the consumer price index, as provided by law, from the date of the election to the time of such increase and, so adjusted, shall be the current tax rate ceiling.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection. Nothing in this section shall be construed as prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is required under the provisions of this section or from seeking voter approval of a reduction to such political subdivision's tax rate ceiling.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed

valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151 and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

(3) In the event that the taxing authority incorrectly completes the forms created and promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing authority may submit

amended forms with an explanation for the needed changes. If such amended forms are filed under regulations prescribed by the state auditor, the state auditor shall take into consideration such amended forms for the purposes of this subsection.

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

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

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

10. 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, 2004, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Schroer moved that the above amendment be adopted.

Senator Crawford assumed the Chair.

Senator Schroer moved that **SA 1** be adopted, which motion prevailed.

Senator Beck offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 105, Page 5, Section 137.115, Line 152, by inserting after all of said line the following:

**“(3) Beginning with the 2024 calendar year, a political subdivision that is required to reduce its budget for law enforcement operations, fire protection services, ambulance services, or first responder operations due to modifications made to paragraph (a) of subdivision (1) of this subsection as of August 28, 2023, shall receive reimbursement from the state in an amount equal to the amount that such budget was reduced in such calendar year.”.**

Senator Beck moved that the above amendment be adopted.

At the request of Senator Cierpiot, **SB 105**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

#### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 651**—By Eigel.

An Act to repeal section 56.110, RSMo, and to enact in lieu thereof two new sections relating to prosecuting attorneys.

**SB 652**—By Eigel.

Withdrawn.

**SB 653**—By Roberts.

An Act to amend chapter 37, RSMo, by adding thereto four new sections relating to the Missouri geospatial advisory council.

**SB 654**—By Eigel.

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to a pilot program for veterans and first responders.

## REFERRALS

President Pro Tem Rowden referred **SS** for **SCS** for **SB 8** and **SS** for **SCS** for **SBs 45** and **90** to the Committee on Fiscal Oversight.

## REPORTS OF STANDING COMMITTEES

Senator O'Laughlin, Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 187**, **SB 186**, **SB 34**, and **SS** for **SCS** for **SB 133**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## INTRODUCTION OF GUESTS

Senator O'Laughlin introduced to the Senate, Taylor Moreland, Centralia.

Senator Brown (16) introduced to the Senate, Gabriel Todd, Mountain Grove; and Show Me Afterschool Day staff and youth.

Senator Thompson Rehder introduced to the Senate, Holly Lintner; Lisa Yeagar; Tonica Winchester; Faten Alshaikh, Bahrain; Yosr Turki, Tunisia; Kajal Kumari, India; Chloe Patelas, France; Oly Wojdak, France; Ammy Kantoor, Thailand; Jon Martinez Tarifa, Spain; Bianca Vallejo de Olejua Gavril, Spain; Lilly Katinka -Witschi, Germany.

Senator Washington introduced to the Senate, Dr. Latonia Collins Smith, St. Louis.

On motion of Senator O'Laughlin the Senate adjourned under the rules.

## SENATE CALENDAR

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TWENTY-EIGHTH DAY—THURSDAY, FEBRUARY 23, 2023  
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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 274-Trent	SB 282-Eigel
SB 275-Trent	SB 283-Arthur
SB 276-Trent	SB 284-Arthur
SB 277-Hoskins	SB 285-Arthur
SB 278-Hoskins	SB 286-Brattin
SB 279-Hoskins	SB 287-Brattin
SB 280-Eigel	SB 288-Brattin
SB 281-Eigel	SB 289-Moon

SB 290-Moon	SB 337-Crawford
SB 291-Moon	SB 338-Razer
SB 292-Beck	SB 339-Razer
SB 293-Beck	SB 340-Razer
SB 294-Beck	SB 341-Trent
SB 295-Mosley	SB 342-Trent
SB 296-Mosley	SB 343-Razer
SB 297-Mosley	SB 344-Razer
SB 298-Trent	SB 345-Beck
SB 299-Hoskins	SB 346-Crawford
SB 300-Hoskins	SB 347-Trent
SB 301-Hoskins	SB 348-Trent
SB 302-Eigel	SB 349-Trent
SB 303-Eigel	SB 350-Hoskins
SB 304-Eigel	SB 351-Brown (16)
SB 305-Arthur	SB 352-Trent
SB 306-Arthur	SB 353-Hough
SB 307-Arthur	SB 354-Hough
SB 308-Brattin	SB 355-Brown (16)
SB 309-Moon	SB 356-Moon
SB 310-Beck	SB 357-Moon
SB 311-Beck	SB 358-Moon
SB 312-Beck	SB 359-Coleman
SB 313-Mosley	SB 360-Koenig
SB 314-Mosley	SB 361-Koenig
SB 315-Mosley	SB 362-Koenig
SB 316-Hoskins	SB 363-Roberts
SB 317-Eigel	SB 364-Carter
SB 318-Eigel	SB 365-Crawford
SB 319-Eigel	SB 366-Crawford
SB 320-Mosley	SB 367-Luetkemeyer
SB 321-Mosley	SB 368-Thompson Rehder
SB 322-Mosley	SB 369-Brown (16)
SB 323-Eigel	SB 370-May
SB 324-Mosley	SB 371-May
SB 325-Mosley	SB 372-May
SB 326-Mosley	SB 373-Trent
SB 327-Mosley	SB 374-Cierpiot
SB 328-Mosley	SB 375-Cierpiot
SB 329-Mosley	SB 376-Trent
SB 330-Mosley	SB 377-Coleman
SB 331-Eigel	SB 378-Rowden
SB 332-Brattin	SB 379-Crawford
SB 333-Trent	SB 380-Williams
SB 334-Hoskins	SB 381-Thompson Rehder
SB 335-Crawford	SB 382-Gannon
SB 336-Crawford	SB 383-Gannon

SB 384-Gannon	SB 431-McCreery
SB 385-Bean	SB 432-Gannon
SB 386-Trent	SB 433-Washington
SB 387-Trent	SB 434-Washington
SB 388-Hough	SB 435-Washington
SB 389-Hough	SB 436-Carter
SB 390-Brattin	SB 437-Washington
SB 391-Brattin	SB 438-Washington
SB 392-Brattin	SB 439-Washington
SB 393-Bernskoetter	SB 440-Washington
SB 394-Bernskoetter	SB 441-Washington
SB 395-Bernskoetter	SB 442-Washington
SB 396-Gannon	SB 443-Washington
SB 397-Razer	SB 444-Washington
SB 398-Schroer	SB 445-Washington
SB 399-Schroer	SB 446-Washington
SB 400-Schroer	SB 447-Washington
SB 401-Bernskoetter	SB 448-Luetkemeyer and Williams
SB 402-Bernskoetter	SB 449-Black
SB 403-Bernskoetter	SB 450-Cierpiot
SB 404-Schroer	SB 451-Trent
SB 405-Schroer	SB 452-Moon
SB 406-Schroer	SB 453-Moon
SB 407-Bernskoetter	SB 454-Carter
SB 408-Schroer	SB 455-Roberts
SB 409-Schroer	SB 456-Schroer
SB 410-Koenig	SB 457-Schroer
SB 411-Brown (26)	SB 458-Coleman
SB 412-Brown (26)	SB 459-Schroer
SB 413-Hoskins	SB 460-Brown (16)
SB 414-Rowden	SB 461-Gannon
SB 415-Arthur	SB 462-Gannon
SB 416-Arthur	SB 463-Koenig
SB 417-Arthur	SB 464-Luetkemeyer
SB 418-Brown (16)	SB 465-Schroer
SB 419-Gannon	SB 466-Schroer
SB 420-Gannon	SB 467-Schroer
SB 421-Gannon	SB 468-Roberts
SB 422-Beck	SB 469-Hoskins
SB 423-Washington	SB 470-Bernskoetter
SB 424-Washington	SB 471-Bernskoetter
SB 425-Washington	SB 472-Bernskoetter
SB 426-Eslinger	SB 473-Hough
SB 427-Eslinger	SB 474-Hough
SB 428-Carter	SB 475-Fitzwater
SB 429-Carter	SB 476-Trent
SB 430-Carter	SB 477-Brattin

SB 478-Cierpiot	SB 525-Brattin
SB 479-Cierpiot	SB 526-Brattin
SB 480-Thompson Rehder	SB 527-Gannon
SB 481-Thompson Rehder	SB 528-Arthur
SB 482-Schroer	SB 529-Brown (16)
SB 483-Eigel	SB 530-Brown (16)
SB 484-Eigel	SB 531-Washington
SB 485-Roberts	SB 532-Coleman
SB 486-Williams	SB 533-Coleman
SB 487-Williams	SB 534-Black
SB 488-Coleman	SB 535-Fitzwater
SB 489-Schroer	SB 536-Fitzwater
SB 490-Schroer	SB 537-Fitzwater
SB 491-Cierpiot	SB 538-Fitzwater
SB 492-Trent	SB 539-Trent
SB 493-Crawford	SB 540-Eigel
SB 494-Eslinger	SB 541-Eigel
SB 495-Eslinger	SB 542-Eigel
SB 496-Eslinger	SB 543-Eigel
SB 497-Eigel	SB 544-Eigel
SB 498-Eigel	SB 545-Rowden
SB 499-Eigel	SB 546-Bean
SB 500-Eigel	SB 547-Black
SB 501-Eigel	SB 548-McCreery
SB 502-Schroer	SB 549-Fitzwater
SB 503-Thompson Rehder	SB 550-Eslinger
SB 504-Thompson Rehder	SB 551-Eslinger
SB 505-Thompson Rehder	SB 552-Eslinger
SB 506-Moon	SB 553-Eslinger
SB 507-Gannon	SB 554-McCreery
SB 508-Brown (26)	SB 555-Bean
SB 509-Arthur	SB 556-Beck
SB 510-Razer	SB 557-Schroer
SB 511-Crawford	SB 558-Schroer
SB 512-McCreery	SB 559-Schroer
SB 513-Hoskins	SB 560-Schroer
SB 514-Hoskins	SB 561-Washington
SB 515-McCreery	SB 562-Washington
SB 516-McCreery	SB 563-Washington
SB 517-Roberts	SB 564-Luetkemeyer
SB 518-Carter	SB 565-Koenig
SB 519-Hoskins	SB 566-Coleman
SB 520-Cierpiot	SB 567-Cierpiot
SB 521-Crawford	SB 568-Black and Cierpiot
SB 522-Brown (26)	SB 569-Trent
SB 523-Bernskoetter	SB 570-Bernskoetter
SB 524-Bernskoetter	SB 571-Rowden



SB 572-Schroer	SB 615-Black
SB 573-Schroer and Luetkemeyer	SB 616-Black
SB 574-May	SB 617-Black
SB 575-Schroer	SB 618-Rizzo
SB 576-Schroer	SB 619-Mosley
SB 577-O'Laughlin	SB 620-Carter
SB 578-Trent	SB 621-Koenig
SB 579-Washington	SB 622-Roberts
SB 580-Washington	SB 623-McCreery
SB 581-Washington	SB 624-McCreery
SB 582-Washington	SB 625-Razer
SB 583-Washington	SB 626-May
SB 584-Razer and McCreery	SB 627-Trent
SB 585-Eigel	SB 628-Trent
SB 586-Crawford	SB 629-Black
SB 587-Bean	SB 630-Bernskoetter
SB 588-Hoskins	SB 631-Schroer
SB 589-Koenig	SB 632-Schroer
SB 590-Brattin	SB 633-Brown (16)
SB 591-Bernskoetter	SB 634-Black
SB 592-Roberts	SB 635-Beck
SB 593-May	SB 636-Brown (16)
SB 594-Koenig	SB 637-Schroer
SB 595-Thompson Rehder	SB 638-Fitzwater
SB 596-Fitzwater	SB 639-Bernskoetter
SB 597-Fitzwater	SB 640-Roberts
SB 598-Brattin	SB 641-Washington
SB 599-Bean	SB 642-Eslinger
SB 600-Schroer	SB 643-Washington
SB 601-Black	SB 644-Koenig
SB 602-Coleman	SB 645-Fitzwater
SB 603-Coleman	SB 646-Razer
SB 604-McCreery	SB 647-Bernskoetter
SB 605-McCreery	SB 648-Thompson Rehder
SB 606-Trent	SB 649-Fitzwater
SB 607-Trent	SB 650-Trent
SB 608-Gannon	SB 651-Eigel
SB 609-Cierpiot	SB 653-Roberts
SB 610-Eigel	SB 654-Eigel
SB 611-Eigel	SJR 42-Carter
SB 612-Roberts	SJR 43-Schroer
SB 613-Arthur	SJR 44-Bernskoetter
SB 614-Thompson Rehder	

## HOUSE BILLS ON SECOND READING

HCS for HBs 115 & 99  
HCS for HB 301

HCS for HB 184  
HCS for HBs 640 & 729

## THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 20-Bernskoetter  | 12. SS for SB 75-Black   |
| 2. SS for SB 24-Hough  | 13. SS for SB 82-Coleman<br>(In Fiscal Oversight)              |
| 3. SS for SCS for SBs 94, 52, 57, 58<br>& 67-Hoskins (In Fiscal Oversight) | 14. SS for SCS for SB 41-Thompson Rehder                       |
| 4. SB 47-Gannon  | 15. SS for SCS for SB 8-Eigel<br>(In Fiscal Oversight)         |
| 5. SB 28-Brown (16)  | 16. SS for SCS for SBs 45 & 90-Gannon<br>(In Fiscal Oversight) |
| 6. SS for SB 23-Hough  | 17. SCS for SB 187-Brown (16)                                  |
| 7. SS for SCS for SB 70-Fitzwater  | 18. SB 186-Brown (16)  |
| 8. SCS for SB 103-Crawford   | 19. SB 34-May  |
| 9. SS for SCS for SBs 119<br>& 120-Luetkemeyer                             | 20. SS for SCS for SB 133-Moon                                 |
| 10. SB 101-Crawford  |  |
| 11. SCS for SB 13-Crawford   |  |

## SENATE BILLS FOR PERFECTION

- |  |                                      |
|--|--------------------------------------|
| 1. SBs 49, 236 & 164-Moon, et al, with SCS | 7. SB 35-May                         |
| 2. SB 72-Trent, with SCS                   | 8. SB 115-Brown (16)                 |
| 3. SB 22-Bernskoetter                      | 9. SB 139-Bean                       |
| 4. SB 151-Fitzwater                        | 10. SB 131-Brattin, with SCS         |
| 5. SJR 26-Fitzwater                        | 11. SB 127-Thompson Rehder, with SCS |
| 6. SB 96-Koenig, with SCS                  |                                      |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 5-Koenig, with SCS                  | SB 92-Hoskins, with SCS                   |
| SB 21-Bernskoetter, with SCS (pending) | SB 105-Cierpiot, with SS & SA 2 (pending) |
| SB 39-Thompson Rehder, et al           | SB 110-Bernskoetter                       |
| SB 44-Brattin                          | SB 112-Hough                              |
| SB 81-Coleman, with SCS                | SB 117-Luetkemeyer                        |

## RESOLUTIONS

SR 22-Roberts

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