

JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

FORTY-SIXTH DAY, WEDNESDAY, MARCH 29, 2006

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

Our heart rejoices in You O Lord! Oh, how You have blessed us! Now we have answers as we delight in Your deliverance.

As we awaken to each day, great possibilities are displayed before us: possible solutions to yesterday's problems, a wise assessment of bills before us, clarity where there was confusion, and a declining of strife and dishonor. So we do not dread what the future holds, nor are we self-confident, but each day our trust is in You.

As we passionately pursue the day's agenda, may we take to heart Your Words of wisdom, "A brother offended is harder to be won over than a strong city, and [their] contentions separate them like the bars of a castle." May the expressions of our mouths and the thoughts of our hearts find favor before You, O Lord, our rock and our protector.

Now may the Lord of Peace Himself give us peace always in every way. The Lord be with us all.

For it's in the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Nate Greenbaum, Lydia Orso, Susie Vitrey, Hannah Reichert, Joey Cali, Leah Gerard, Nicholas Newcomer, Drew Henrichs, Jack Henricks, Corey Bryan and Kent Meyer.

The Journal of the forty-fifth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1563

and

House Resolution No. 1564 - Representative Jolly

House Resolution No. 1565 - Representative Cooper (158)

House Resolution No. 1566 - Representative Whorton

House Resolution No. 1567

through

House Resolution No. 1580 - Representatives Lembke and Bivins

House Resolution No. 1581

and

House Resolution No. 1582 - Representative Cunningham (86)

House Resolution No. 1583

through

House Resolution No. 1665 - Representative Bruns

House Resolution No. 1666 - Representative Jolly

HOUSE CONCURRENT RESOLUTION

Representative Deeken offered House Concurrent Resolution No. 44.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 43 was read the second time.

SECOND READING OF HOUSE BILLS

HB 2048 through **HB 2059** were read the second time.

SECOND READING OF SENATE BILLS

SB 582, SB 697, SB 725, SB 726, SCS SB 756, SCS SB 769, SB 785, SB 804, SB 834, SB 845, SCS SB 870, SCS SB 878, SB 884, SB 931, SB 947, SB 951, SB 952, SCS SB 968, SB 974, SB 977, SB 980, SB 981, SB 1004, SCS SB 1008, SB 1016, SB 1020, SCS SB 1026, SB 1039, SB 1045, SCS SB 1048, SB 1056, SCS SB 1059, SCS SB 1060, SB 1084, SB 1085, SB 1124, SB 1139, SB 1146, SB 1165, SB 1189, SB 1208, SCS SB 1221 and SB 1247 were read the second time.

SPECIAL RECOGNITION

The 2005-2006 Lincoln University Women's Indoor Track and Field Team was introduced by Representatives Walton, Hubbard and Haywood and recognized for attaining the NCAA Division II Track and Field Championship.

Jerry Armstrong was introduced by Representatives Nance, Guest and Kelly and recognized as an Outstanding Missourian.

PERFECTION OF HOUSE BILLS

HCS HBs 1030, 1033, 1146, 1225 & 1326, relating to political subdivisions, was taken up by Representative Johnson (47).

HCS HBs 1030, 1033, 1146, 1225 & 1326 was laid over.

Representative Phillips assumed the Chair.

HCS HB 1349, relating to the Family Farms Act, was taken up by Representative Loehner.

On motion of Representative Loehner, **HCS HB 1349** was adopted by the following vote:

AYES: 159

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Bruns	Burnett	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Curls	Dake	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Frame	Franz	Fraser
George	Guest	Harris 23	Harris 110	Haywood
Henke	Hobbs	Hoskins	Hubbard	Hunter
Ice	Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schneider	Schoemehl
Self	Shoemyer	Silvey	Skaggs	Smith 14
Smith 118	Smith 150	Spreng	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright 137	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zweifel	Mr Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Bean	Brown 30	Hughes	Marsh
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On motion of Representative Loehner, **HCS HB 1349** was ordered perfected and printed.

PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 1317, as amended, relating to crime victim's rights, was taken up by Representative Lipke.

Representative Storch offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1317, Page 2, Section 595.209, Lines 41 to 43, by deleting all of said lines and inserting in lieu thereof the following:

"right to be present at each and every phase of parole hearings [and], the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, **counsel or a representative designated by the victim** in lieu of a personal appearance, **and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room, set up in such a way that the victim is shielded from the view of the probationer or parolee,** and the"; and

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

On motion of Representative Storch, **House Amendment No. 2** was adopted.

On motion of Representative Lipke, **HCS HB 1317, as amended**, was adopted.

On motion of Representative Lipke, **HCS HB 1317, as amended**, was ordered perfected and printed.

HCS HBs 1030, 1033, 1146, 1225 & 1326, relating to political subdivisions, was again taken up by Representative Johnson (47).

Representative Johnson (47) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 67.997, Page 11, Line 69, by deleting "**144.524**" and inserting in lieu thereof "**144.525**"; and

Further amend said bill, Section 67.2040, Page 15, Line 55, by deleting "**144.524**" and inserting in lieu thereof "**144.525**"; and

Further amend said bill, Section 473.748, Page 29, Line 4, by deleting "**unforceable**" and inserting in lieu thereof "**unenforceable**"; and

Further amend said bill, Section 3, Pages 29-30, Lines 1-31, by deleting all of said section from the bill; and

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

Speaker Pro Tem Bearden assumed the Chair.

On motion of Representative Johnson (47), **House Amendment No. 1** was adopted.

Representative Johnson (47) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 52.230, Page 8, Line 56, by inserting after all of said line the following:

“59.331. The preparer of a document shall not include an individual's [federal Social Security number] **sensitive personal identifying information** in a document that is prepared and presented for recording in the office of the recorder of deeds. **"Sensitive personal identifying information" includes federal Social Security numbers, bank account numbers, and credit card account numbers.** This section does not apply to state or federal tax liens, military separation or discharge papers, and other documents required by law to contain such information that are filed or recorded in the office of the recorder of deeds. **Should any person's sensitive personal identifying information appear on any document prepared or submitted for recording, the preparer, submitter, or anyone in an agency relationship with the person may redact, remove, or delete the sensitive personal identifying information prior to submission to the recorder of deeds. Any such redaction, removal, or deletion shall not in any way affect the legal status of the transaction described in the document. The recorder of deeds shall not alter or modify any document in the official record except as otherwise provided by law.**

59.332. **Should any sensitive personal identifying information, as defined in section 59.331, appear in any record or image viewable on any publicly available Internet website maintained or sponsored by a recorder of deeds, any person may apply to the recorder of deeds for redaction or removal of that sensitive personal identifying information. Any such application shall be made in writing, signed by the applicant, his or her attorney, or legal guardian, and shall specifically identify the document or documents containing the sensitive personal identifying information. The application shall be accompanied by a legible copy of each recorded document affected by the application, upon which the sensitive personal identifying information that is to be redacted is highlighted or otherwise indicated. Upon receipt of an application submitted in compliance with this section, the recorder of deeds may redact or remove the affected document from the records viewable on the publicly available Internet website.”; and**

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

On motion of Representative Johnson (47), **House Amendment No. 2** was adopted.

Representative Johnson (47) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 4, Pages 30-31, Lines 1-47, by deleting all of said section from the bill; and

Further amend said bill, Section 94.860, Page 22, Line 107, by inserting after all of said line the following:

“94.950. 1. As used in this section, "museum" means museums operating or to be built in the city and that are registered with the United States Internal Revenue Service as a 501(c)(3) corporation, or an organization that is registered with the United States Internal Revenue Service as a 501(c)(3) corporation and that develops, promotes, or operates historical locations or preservation sites.

2. The governing body of any home rule city with more than forty-five thousand five hundred but fewer than forty-five thousand nine hundred inhabitants and partially located in any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-half of one percent, and shall be imposed solely for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

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

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent, solely for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism?

YES NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

4. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Local Option Museum Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the trust fund during the preceding month to the city that levied the sales tax.

5. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

6. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

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

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding the operation, construction, or renovation of historical locations and museums to promote tourism?

YES NO

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

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

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

9. If the tax is repealed or terminated by any means, all funds remaining in the trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least thirty days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city."; and

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

On motion of Representative Johnson (47), **House Amendment No. 3** was adopted.

Representative Johnson (47) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 4, Page 31, Line 47, by inserting after all of said line the following:

“644.584. In addition to those sums authorized prior to August 28, [2006] **2007**, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.585. In addition to those sums authorized prior to August 28, [2006] **2007**, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.586. In addition to those sums authorized prior to August 28, [2006] **2007**, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.”; and

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

On motion of Representative Johnson (47), **House Amendment No. 4** was adopted.

Representative Richard offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 94.860, Line 107, Page 22, by inserting immediately after all of said line the following:

"99.1100. 1. Sections 99.1100 to 99.1130 shall be known and may be cited as the "Missouri Economic Development Code".

2. Insofar as the provisions of the Missouri economic development code are inconsistent with the provisions of any other law, the provisions of the Missouri economic development code shall be controlling.

99.1102. As used in sections 99.1100 to 99.1130, unless otherwise stated, the following terms shall mean:

(1) "Baseline year", the calendar year prior to the effective date of an ordinance or order by the municipality or county approving a development project;

(2) "Collecting officer", the officer of the municipality, county, or other taxing jurisdiction responsible for receiving and processing tax payments and economic activity taxes and the officer of the municipality, county, or other taxing jurisdiction responsible for receiving and processing local sales tax revenues collected by the director of revenue on behalf of such municipality, county, or other taxing jurisdiction;

(3) "Commission", the Missouri economic development code job creation commission for a municipality or county, created under section 99.1104;

(4) "County", any county of this state and any city not within a county;

(5) "Development area", an area designated by a municipality or county which shall have the following characteristics:

(a) It includes only those parcels of real property directly and substantially benefited by the proposed development plan;

(b) It will be improved by the development project;

(c) It is contiguous;

(d) It is not included in any other redevelopment plan under this chapter or using any tax increment financing program; and

(e) The commission has declared development of the area is not likely to occur without benefit of the proposed development plan;

(6) "Development plan", the comprehensive program of a municipality or county to improve a development area, thereby enhancing the tax bases of the taxing districts which extend into the development area, through the reimbursement, payment, or other financing of development project costs in accordance with the Missouri economic development code. The development plan shall conform to the requirements of section 99.1116;

(7) "Development project", any development project within a development area which constitutes a major initiative in furtherance of the objectives of the development plan, and any such development project shall include a legal description of the area selected for such development project;

(8) "Development project area", the area located within a development area selected for a development project;

(9) "Development project costs", the costs to the development plan or a development project, as applicable, which are expended on public property, buildings, or rights-of-ways for public purposes to provide infrastructure or support for a development project. Such costs shall only be allowed as an initial expense which, to be recoverable, shall be included in the costs of a development plan or development project, including any amendments thereto adopted by the municipality or county. Such infrastructure costs include but are not limited to the following:

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

(b) Professional service costs, including but not limited to architectural, engineering, legal, marketing, financial, planning, or special services;

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

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

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

(f) Financing costs, including but not limited to all necessary expenses related to the issuance of obligations issued to finance all or any portion of the infrastructure costs of one or more development projects, and which may include capitalized interest on any such obligations and reasonable reserves related to any such obligations; and

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

(10) "Economic activity taxes", the total additional revenue from taxes which are imposed by the municipality, county, and other taxing districts, and which are generated by economic activities within each development project area, which exceed the amount of such taxes generated by economic activities within such development project area in the baseline year; but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees, special assessments, and any taxes imposed by the municipality, county, or other taxing district after the effective date of an ordinance or order by the municipality or county approving a development project;

(11) "Gambling establishment", an excursion gambling boat, as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo;

(12) "Municipality", any city, village, or incorporated town of this state;

(13) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by the municipality, county, or commission, or other public entity authorized to issue such obligations under the Missouri economic development code to carry out a development project or to refund outstanding obligations;

(14) "Ordinance", an ordinance enacted by the governing body of any municipality or county or an order of the governing body of such a municipal or county entity whose governing body is not authorized to enact ordinances;

(15) "Special allocation fund", the fund of the municipality or county established by agreement under section 99.1126;

(16) "Tax payments", the revenues from real property taxes in each development project area, which taxing districts have allocated to finance a development plan until development financing for such development project area expires or is terminated under the Missouri economic development code;

(17) "Taxing district's capital costs", the costs of taxing districts for capital improvements that are found by the governing body of the municipality or county to be necessary and to directly result from a development project;

(18) "Taxing districts", any political subdivision of this state having the power to levy taxes if the future tax revenues of such district would be affected by the establishment of a development project.

99.1104. Each municipality or county may create a commission to be known as a "Missouri Economic Development Code Job Creation Commission"; provided, however:

(1) No such commission shall transact any business or exercise its powers under the Missouri economic development code until and unless the governing body of such municipality or county shall approve, by ordinance or order, the exercise of the powers, functions, and duties of a commission under the Missouri economic development code, as provided in section 99.1120;

(2) No governing body of a municipality or county shall adopt an ordinance under subdivision (1) of this section unless it finds:

(a) That it would be in the interest of the public to consider the establishment of a development area in accordance with the Missouri economic development code;

(b) That the development of such a development area would be in the interest of the public health, safety, morals, or welfare of the residents of such municipality or county; and

(c) That it is anticipated that such a development area can be improved through a series of one or more development projects.

99.1106. Each commission created under section 99.1104 shall be governed by a board of commissioners with one commissioner appointed by each taxing jurisdiction. The number of commissioners serving on the board of each commission shall be determined by the number of taxing districts located wholly or partially within the

development project area. All commissioners appointed under this subsection shall be appointed by each taxing district located wholly or partially within the development project area for a term of two years. Commissioners representing a county shall be appointed by the county governing body, except in charter counties where the commissioners shall be appointed by the county executive with approval of the governing body. Commissioners representing a municipality shall be appointed by the mayor with the approval of the governing body; provided, however, employees of the municipality or county shall be ineligible for appointment to the commission under this section. Commissioners representing other taxing districts shall be appointed by the taxing districts, but failure of one or more taxing districts to appoint a commissioner shall not prevent the commission from exercising its powers and authorities granted under the Missouri economic development code. Successor commissioners and all vacancies shall be filled in the same manner.

99.1108. 1. The powers of the commission created under section 99.1104 shall be exercised by its board of commissioners. A majority of the commissioners shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the commission and for all other purposes. Action may be taken by the board upon a vote of a majority of the commissioners present in person or by teleconference, unless in any case the bylaws of the commission shall require a larger number. Meetings of the board of the commission shall be held in compliance with the provisions of chapter 610, RSMo.

2. The commissioners shall annually elect a chair and vice chair from among the commissioners. The commission may employ an executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require and shall determine their qualifications, duties, and compensation. For such legal services as it may require, a commission may call upon the chief law officer of the municipality or county or may employ its own counsel and legal staff.

3. A commissioner shall receive no compensation for his or her services, but may receive the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until a successor has been appointed.

4. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed by a majority vote of the commission.

99.1110. 1. In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of a commission entered into under the Missouri economic development code, such commission shall be conclusively deemed to have become established and authorized to transact business and exercise its powers under the Missouri economic development code upon proof of the adoption of the appropriate ordinance or order prescribed in section 99.1104. Each such ordinance or order shall be deemed sufficient if it authorizes the exercise of powers under the Missouri economic development code by the commission and sets forth the findings of the municipality or county as required in subdivision (2) of section 99.1104.

2. A copy of such ordinance or order duly certified by the clerk of the municipality or county shall be admissible in evidence in any suit, action, or proceeding.

3. No lawsuit to set aside the creation of a commission, the approval of a development plan, development project, development area or development project area, or to otherwise question the validity of the proceedings related thereto, shall be brought after the expiration of ninety days from the effective date of the ordinance, order, or resolution in question.

99.1112. 1. The commission created under section 99.1104 shall constitute a public body corporate and politic, exercising public and essential governmental functions.

2. A municipality or county or a commission created under section 99.1104 shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Missouri economic development code, including the following powers in addition to others granted under the Missouri economic development code:

(1) To prepare or cause to be prepared and approved development plans and development projects to be considered at public hearings in accordance with the Missouri economic development code and to undertake and carry out development plans and development projects which have been adopted by ordinance, order or act of the commission;

(2) To arrange or contract for the furnishing or repair, by any person or agency, public or private, of services, privileges, streets, roads, utilities, or other facilities for or in connection with any development project;

(3) Within a development area, to acquire by purchase, lease, gift, grant, bequest, devise, obtain options upon, or otherwise acquire any real or personal property or any interest therein, necessary or incidental to a

development project, all in the manner and at such price as the municipality, county or commission determines is reasonably necessary to achieve the objectives of a development plan;

(4) Within a development area, subject to provisions of section 99.1114 with regard to the disposition of real property, to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest therein, all in the manner and at such price and subject to any covenants, restrictions, and conditions as the municipality, county or commission determines is reasonably necessary to achieve the objectives of a development plan; to make any such covenants, restrictions, or conditions as covenants running with the land, and to provide appropriate remedies for any breach of any such covenants, restrictions, or conditions, including the right of the municipality, county or commission to terminate such contracts and any interest in the property created thereto;

(5) Within a development area, to clear any area by demolition or removal of existing buildings and structures;

(6) To install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements as necessary or desirable for the preparation of a development area for use in accordance with a development plan;

(7) Within a development area, to fix, charge, and collect fees, rents, and other charges for the use of any real or personal property, or any portion thereof, in which the municipality, county or commission has any interest;

(8) To accept grants, guarantees, and donations of property, labor, or other things of value from any public or private source for purposes of implementing a development plan;

(9) In accordance with section 99.1114, to select one or more developers to implement a development plan, or one or more development projects, or any portion thereof;

(10) To charge as a development project cost the reasonable costs incurred by the municipality, county, or commission in evaluating, administering, or implementing the development plan or any development project;

(11) To borrow money and issue obligations in accordance with the Missouri economic development code and provide security for any such loans or obligations;

(12) To insure or provide for the insurance of any real or personal property or operations of the municipality, county, or commission against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of the Missouri economic development code;

(13) Within a development area, to renovate, rehabilitate, own, operate, construct, repair, or improve any public improvements, buildings, parking garages, fixtures, structures, and other public facilities;

(14) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem obligations at the redemption price established therein or to purchase obligations at less than redemption price, all obligations so redeemed or purchased to be canceled;

(15) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, municipality, or other public body or from any sources, public or private, for the purposes of implementing a development plan, to give such security as may be required and to enter into and carry out contracts in connection therewith. A municipality, county, or commission, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government for a project such conditions imposed under federal law as the municipality, county, or commission may deem reasonable and appropriate and which are not inconsistent with the purposes of the Missouri economic development code;

(16) To incur development project costs and make such expenditures as may be necessary to carry out the purposes of the Missouri economic development code and to make expenditures from funds obtained from the federal government without regard to any other laws pertaining to the making and approval of appropriations and expenditures;

(17) To loan the proceeds of obligations issued under the Missouri economic development code for the purpose of providing for the purchase, construction, extension, or improvement of public infrastructure related to a development project by a developer under a development contract approved by the municipality, county, or commission in accordance with subdivision (2) of section 99.1114;

(18) To declare any funds, or any portion thereof, in the special allocation fund to be excess funds, so long as such excess funds have not been pledged to the payment of outstanding obligations or outstanding development project costs, and are not necessary for the payment of development project costs incurred or anticipated to be incurred. Any such funds deemed to be excess shall be disbursed in the manner of surplus funds as provided in section 99.1128;

(19) To pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, for the payment or reimbursement of development project costs incurred by the commission, the municipality, the county, a developer selected by the municipality, county or commission, or any other entity with the consent of the municipality, county or commission; to pledge or otherwise expend funds deposited to the special allocation fund, or any portion thereof, or to mortgage or otherwise encumber its property, or any portion thereof, for the payment of obligations issued to finance development project costs; provided, however, any such pledge or expenditure of economic activity taxes shall be subject to annual appropriation by the municipality or county; and

(20) To exercise all powers or parts or combinations of powers necessary, convenient, or appropriate to undertake and carry out development plans and any development projects and all the powers granted under the Missouri economic development code.

3. If any member of the governing body of the municipality or county, commissioner, or employee or consultant of the municipality, county or commission, involved in the planning and preparation of a development project, owns or controls an interest, direct or indirect, in any property included in a development project area, the individual shall disclose the same in writing to the clerk of the municipality or county, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest which disclosures shall be acknowledged by the governing body of the municipality or county and entered upon the minutes books of the governing body of the municipality or county. If an individual holds such an interest, then that individual shall refrain from any further official involvement in regard to a development project and from voting on any matter pertaining to such development project or communicating with other commissioners or the municipality or county concerning any matter pertaining to such development project. Furthermore, subject to the succeeding sentence, no such member, commissioner, employee, or consultant shall acquire any interest, direct or indirect, in any property in a development project area or proposed development project area, after either such individual obtains knowledge of a development project, or first public notice of such development project, or development project area under subsection 2 of section 99.1122, whichever first occurs. At any time after one year from the adoption of an ordinance designating a development project area, any such member, commissioner, employee or consultant may acquire an interest in real estate located in a development project area so long as any such person discloses such acquisition and refrains from voting on any matter related to the development project area in which the property acquired by such person is located.

4. A commission created under section 99.1104 shall have the following powers in addition to others granted under the Missouri economic development code:

(1) To sue and to be sued; to have a seal and to alter the same at the commission's pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with the Missouri economic development code, to carry out the provisions of the Missouri economic development code;

(2) To delegate to a municipality, county or other public body any of the powers or functions of the commission with respect to the planning or undertaking of a development project, and any such municipality, county, or public body is hereby authorized to carry out or perform such powers or functions for the commission;

(3) To receive and exercise powers delegated by any authority, agency, or agent of a municipality or county created under this chapter or chapter 353, RSMo, excluding powers of eminent domain.

99.1114. Real property which is acquired by a municipality, county or commission in a development project area shall be disposed of as follows:

(1) Within a development project area, the municipality, county, or commission may sell, lease, exchange, or otherwise transfer real property, including land, improvements, and fixtures, or any interest therein, to any developer selected for a development project, or any portion thereof, in accordance with the development plan, subject to such covenants, conditions, and restrictions as may be deemed to be in the public interest or to carry out the purposes of the Missouri economic development code. Such real property shall be sold, leased, or transferred at its fair market value for uses in accordance with the development plan; provided that such fair market value may be less than the cost of such property to the municipality, county, or commission. In determining the fair market value of real property for uses in accordance with a development plan, the municipality, county or commission shall take into account and give consideration to the uses and purposes required by the development plan; the restrictions upon, and the covenants, conditions, and obligations assumed by the developer of such property; the objectives of the development plan; and such other matters as the

municipality, county or commission shall specify as being appropriate. In fixing rental and sale prices, a municipality, county, or commission shall give consideration to appraisals of the property for such uses made by experts employed by the municipality, county, or commission;

(2) The municipality, county, or commission shall, by public notice published in a newspaper having a general circulation in a development area, prior to selecting one or more developers for any development project, or any portion thereof, invite proposals from, and make available all pertinent information to, private developers or any persons interested in undertaking the development of such development project, or any portion thereof. Such notice shall be published at least once each week during the two weeks preceding the selection of a developer, shall identify the area of the development project or development projects, or any portion thereof, for which one or more developers are to be selected, and shall state that such further information as it is available may be obtained at the office of the municipality, county, or commission. The municipality, county, or commission shall consider all proposals and the financial and legal ability of the prospective developers to carry out their proposals. The municipality, county, or commission may negotiate and enter into one or more contracts with any developer selected for the development of any such area for the development of such area by such developer in accordance with a development plan or for the sale or lease of any real property to any such developer in any such area for the purpose of developing such property in accordance with the development plan. The municipality, county, or commission may enter into any such contract as it deems to be in the public interest and in furtherance of the purposes of the Missouri economic development code; provided that the municipality, county, or commission has, not less than ten days prior thereto, notified the governing body in writing of its intention to enter into such contract. Thereafter, the municipality, county, or commission may execute such contract in accordance with the provisions of this section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract. In its discretion, the municipality, county, or commission may, in accordance with the provisions of this section, dispose of any real property in an area selected for a development project, or any portion thereof, to private developers for development under such reasonable competitive bidding procedures as it shall prescribe, subject to the provisions of this section;

(3) In carrying out a development project, the commission may:

(a) Convey to the municipality or county such real property as, in accordance with the development plan, is to be dedicated as public right-of-way for streets, sidewalks, alleys, or other public ways, this power being additional to and not limiting any and all other powers of conveyance of property to municipalities expressed, generally or otherwise, in the Missouri economic development code;

(b) Grant servitudes, easements, and rights-of-way for utilities, sewers, streets, and other similar facilities, in accordance with the development plan; and

(c) Convey to the municipality or county or other appropriate public body such real property as, in accordance with the development plan, is to be used for parks, schools, public buildings, facilities, or other public purposes;

(4) The municipality, county, or commission may operate and maintain real property in the development area pending the disposition or development of the property in accordance with a development plan, without regard to the provisions of subdivisions (1) and (2) of this section, for such uses and purposes as may be deemed desirable even though not in conformity with the development plan.

99.1116. 1. A development plan shall set forth in writing a general description of the program to be undertaken to accomplish the development projects and related objectives and shall include, but need not be limited to:

(1) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality or county;

(2) The street address or other description of the location of the development site;

(3) The estimated development project costs;

(4) The anticipated sources of funds to pay such development project costs;

(5) Evidence of the commitments to finance such development project costs;

(6) The anticipated type and term of the sources of funds to pay such development project costs;

(7) The anticipated type and terms of the obligations to be issued;

(8) The most recent equalized assessed valuation of the property within the development project area;

(9) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(10) The general land uses to apply in the development area;

(11) A list of community and economic benefits that are expected to result from the project;

(12) A list of all development subsidies that any business benefiting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(13) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding under the Missouri economic development code is being sought;

(14) A certification by the chief officer of the applicant as to the accuracy of the development plan.

2. The development plan may be adopted by a municipality or county in reliance on findings that a reasonable person would believe:

(1) The development area has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the implementation of one or more development projects and the adoption of development financing;

(2) The estimated dates of the completion of such development project and retirement of obligations incurred to finance development project costs which shall not be more than twenty-five years from the adoption of the ordinance or order approving any development project, provided that no ordinance approving a development project shall be adopted later than ten years from the adoption of the ordinance approving the development plan;

(3) The development plan contains a cost-benefit analysis showing the economic impact of the development plan on the municipality, county, and school districts that are at least partially within the boundaries of the development area, and that such cost-benefit analysis complies with the requirements of this subdivision. The analysis shall show the impact on every affected political subdivision if the development projects are not built, and if the development projects are built under the development plan under consideration assuming the projects are completed in the manner described in the development plan; and

(4) The development plan shall not include the initial development or redevelopment of any gambling establishment.

99.1118. In the event a municipality or county desires to designate a development area located in whole or in part outside the incorporated boundaries of the municipality or county and within the boundaries of another municipality or county, such municipality or county shall first obtain the permission of the governing body of such other municipality or county.

99.1120. 1. Except as provided in subsection 4 of this section, a municipality or county which has created a commission under section 99.1104 may:

(1) Approve by ordinance or order the exercise by the commission of the powers, functions, and duties of the commission under the Missouri economic development code; and

(2) After adopting an ordinance or order in accordance with subdivision (1) of this subsection and after receipt of recommendations from the commission in accordance with subsection 3 of this section, by ordinance or order, designate development areas, adopt the development plans and development projects, designate a development project area for each development project adopted, and adopt development financing for each such development project area. No development plan shall be adopted until the development area is designated. No development project shall be adopted until the development plan is adopted and the development project area for each development project shall be designated at the time of adopting the development project.

2. A municipality or county may authorize a commission created under section 99.1104 to exercise all powers and perform all functions of a transportation development district under sections 238.200 to 238.275, RSMo, within a development area.

3. The municipality, county, or commission shall hold public hearings and provide notice under section 99.1122. Within ten days following the completion of any such public hearing, the commission shall vote on and shall make recommendation to the governing body of the municipality or county with regard to any development plan, development projects, designation of a development area or amendments thereto which were proposed at such public hearing.

4. The provisions of the Missouri economic development code shall not be used for any residential development project without the consent of the school boards of all school districts in which such residential development project is wholly or partially located, if all or part of the taxes that would be due to such school districts would be committed by the school district to finance such residential development project.

5. The powers of eminent domain shall not be used by any municipality, county, or commission to acquire any property for use in any project under the Missouri economic development code.

99.1122. 1. Prior to the adoption of the ordinance or order designating a development area, adopting a development plan, or approving a development project, the municipality, county, or commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed development area or development project area affected. Such notice shall comply with the provisions of subsection 2 of this section. At the public hearing, any interested person or affected taxing district may file with the municipality, county or commission written objections to, or comments on, and may be heard orally in respect to, any issues regarding the plan or issues embodied in the notice. The municipality, county, or commission shall hear and consider all protests, objections, comments, and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the development plan, development project, development area or development project area, provided that written notice of such changes is available at the public hearing. After the public hearing, but prior to the adoption of an ordinance or order designating a development area, adopting a development plan or approving a development project, changes may be made to any such proposed development plan, development project, development area, or development project area without a further hearing, if such changes do not enlarge the exterior boundaries of the development area or development project area, and do not substantially affect the general land uses established in a development plan or development project, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the development area or development project area, as applicable, not less than ten days prior to the adoption of the changes by ordinance or order. After the adoption of an ordinance or order designating the development area adopting a development plan, approving a development project, or designating a development project area, no ordinance shall be adopted altering the exterior boundaries of the development area or a development project area or substantially affecting the general land uses established under the development plan or the general nature of a development project without holding a public hearing in accordance with this section. One public hearing may be held for the simultaneous consideration of a development area, development plan, development project, or development project area.

2. Notice of the public hearing required by this section shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the proposed development area or development project area, as applicable. Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid or were to have been paid on each lot, block, tract, or parcel of land lying within the proposed development area or development project area, as applicable. Such notice shall be mailed not less than ten working days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

3. The notices issued under this section shall include the following:

- (1) The time and place of the public hearing;
- (2) The general boundaries of the proposed development area or development project area, as applicable, by street location, where possible;
- (3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;
- (4) A description of the development plan and the proposed development projects and a location and time where the entire development plan or development projects proposed may be reviewed by any interested party;
- (5) A statement that development financing involving the dedication of tax revenues by one or more taxing districts is being sought for the project and an estimate of the amount of local development financing that will be requested, if applicable; and
- (6) Such other matters as the municipality, county, or commission may deem appropriate.

4. Not less than forty-five days prior to the date set for the public hearing, the municipality, county, or commission shall give notice by mail as provided in subsection 2 of this section to all taxing districts with jurisdiction over taxable property in the development area or development project area, as applicable, and in addition to the other requirements under subsection 3 of this section, the notice shall include an invitation to each taxing district to submit comments to the municipality, county or commission concerning the subject matter of the hearing prior to the date of the hearing.

99.1124. 1. For the purpose of financing development project costs, obligations may be issued by the municipality or county, or, at the request of the municipality or county, by the commission or any other political subdivision or public entity authorized to issue bonds to pay or reimburse development project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance, order or resolution authorizing the issuance of such obligations.

2. Obligations issued under the Missouri economic development code may be issued in one or more series bearing interest at such rate or rates as the issuing entity shall determine by ordinance, order or resolution. Such obligations shall bear such date or dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms, and conditions, and be subject to redemption as such ordinance, order or resolution shall provide. Obligations issued under the Missouri economic development code shall be sold at public or private sale at such price as shall be determined by the issuing entity and shall state that obligations issued under the Missouri economic development code are special obligations payable solely from the funds specifically pledged. No referendum approval of the electors shall be required as a condition to the issuance of obligations under the Missouri economic development code.

3. In the event the obligations contain a recital that they are issued under the Missouri economic development code, such recital shall be conclusive evidence of their validity and of the regularity of their issuance.

4. Neither the municipality, county, commission, or any other entity issuing such obligations, or the members, commissioners, directors, or the officers of any such entities nor any person executing any obligation shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued under the Missouri economic development code shall not be a general obligation of the municipality, county, or any political subdivision thereof, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security for such obligations. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory, or charter debt limitation or restriction.

5. Obligations issued under the Missouri economic development code may be issued to refund, in whole or in part, obligations theretofore issued by such entity under the authority of the Missouri economic development code, whether at or prior to maturity; provided, however, the last maturity of the refunding obligations shall not be expressed to mature later than the last maturity date of the obligations to be refunded.

6. In the event a municipality, county, or commission issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay for development project costs, the municipality, county, or commission may retire such obligations from funds in the special allocation fund in amounts and in such manner as if such obligations had been issued under the provisions of the Missouri economic development code.

99.1126. 1. A municipality or county, after designating a development area, adopting a development plan, and adopting any development project in conformance with the procedures of the Missouri economic development code, may adopt development financing for the development project area selected for any such development project by passing an ordinance or order. Upon the adoption of the first of any such ordinances, the municipality or county shall establish, or shall direct the commission to establish, a special allocation fund for the development area.

2. Immediately upon the adoption of a resolution, ordinance, or order adopting development financing for a development project area under subsection 1 of this section, the county assessor shall determine the total equalized assessed value of all taxable real property within such development project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such development project area as of the date of the adoption of such resolution, ordinance, or order and shall provide to the clerk of the municipality or county written certification of such amount as the total initial equalized assessed value of the taxable real property within such development project area.

3. For purposes of this section, "levies upon taxable real property in such development area by taxing districts" shall not include the blind pension fund tax levied under the authority of section 38(b), article III, of the Missouri Constitution, the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6, article X of the Missouri Constitution, the desegregation sales tax, or the conservation taxes. In each of the twenty-five calendar years following the adoption of an ordinance adopting development financing for a development project area under subsection 1 of this section unless and until development financing for such development project area is terminated by ordinance or order of the municipality or county, the ad valorem taxes arising from the levies upon taxable real property in such development project area by taxing districts may, by agreement as provided in this section, be divided as follows:

(1) That portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property in such development project area which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be allocated to and, when collected, shall be paid by the collecting authority to the respective affected taxing districts in the manner required by law in the absence of the adoption of development financing;

(2) Taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the development project area and any applicable penalty and interest over and above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section may, by agreement as provided in this section, be allocated to and, when collected, shall be paid to the collecting officer of the municipality or county who shall deposit such payment in the special allocation fund. No part of the current equalized assessed valuation of each taxable lot, block, tract, or parcel of property in any such development project area attributable to any increase above the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in such development project area as certified by the county assessor in accordance with subsection 2 of this section shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until development financing for such development project area expires or is terminated in accordance with the Missouri economic development code.

4. In each of the twenty-five calendar years following the adoption of an ordinance, order, or resolution adopting development financing for a development project area under subsection 1 of this section unless and until development financing for such development project area is terminated in accordance with the Missouri economic development code, a percentage of the economic activity taxes from such development project area may, by agreement as provided in this section be allocated to, and paid by the collecting officer of any such economic activity tax to the treasurer or other designated financial officer of the municipality or county, who shall deposit such funds in the special allocation fund.

5. No tax revenue shall be used for development financing as provided in this section unless and until the taxing district levying the tax has approved the use of such revenue for development financing and has set forth such approval in a written agreement with the municipality, county, or commission. The municipality, county, or commission may establish such agreements with any taxing districts for the repayment of obligations issued under the provisions of the Missouri economic development code. Such agreements shall set forth the percentages of economic activity taxes and the amount or percentages of other tax payments that will be pledged by the taxing district for the payment or repayment of any obligations or expenses authorized to be paid under the provisions of the Missouri economic development code. Such agreements shall remain in effect until the obligations or expenses to which such economic activity taxes or tax payments have been pledged have been paid in full or retired. The use of such tax revenue shall not be considered relief from taxation under the provisions of Article X, Section 7 of the Missouri constitution, nor shall any tax be abated or any tax relief provided as a result of the use of development financing under the Missouri economic development code.

99.1128. 1. When all development project costs and all obligations issued to finance development project costs have been paid in full, the municipality or county shall adopt an ordinance terminating development financing for all development project areas. Immediately upon the adoption of such ordinance, all revenues then remaining in the special allocation fund shall be deemed to be surplus funds. Surplus tax payments shall be paid to the county collector who shall immediately thereafter pay such funds to the taxing districts in the development area selected in the same manner and proportion as provided in the agreement established under section 99.1126. Surplus economic activity taxes shall be paid to the taxing districts in the development area in proportion to the then current levy rates of such taxing districts that are attributable to economic activity taxes. Any other funds remaining in the special allocation fund following the adoption of an ordinance terminating development financing in accordance with this section shall be distributed as provided in the agreement established under section 99.1126.

2. Upon the payment of all development project costs, retirement of obligations, and the distribution of any surplus funds under this section, the municipality or county shall adopt an ordinance or order dissolving the special allocation fund and terminating the designation of the development area as a development area.

3. Nothing in the Missouri economic development code shall be construed as relieving property in such areas from paying a uniform rate of taxes, as required by section 3, article X of the Missouri Constitution.

99.1130. 1. An annual statement showing all funds received and expended in that year, the status of the development area, the development plan, the development projects in the development plan, the amount of outstanding obligations, and any additional information that the municipality or county deems necessary shall be published in a newspaper of general circulation in the municipality or county.

2. Five years after the establishment of the development area and the development plan and every five years thereafter the governing body of the municipality, county, or commission shall hold a public hearing regarding the development area and the development plan and the development projects adopted under the Missouri economic development code. The purpose of the hearing shall be to determine if the development area, development plan, and the included development projects are making satisfactory progress under the proposed time schedule contained within the approved development plan for completion of such development projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the municipality, county, or commission once each week for four weeks immediately prior to the hearing.”; and

Further amend said bill, Section 4, Line 47, Page 31, by inserting immediately after all of said line the following:

“Section 1. For purposes of determining eligibility for exemption from sales and use taxes of utilities as prescribed in section 144.030, RSMo, there shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials.”; and

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

Representative Harris (110) offered **House Amendment No. 1 to House Amendment No. 5**.

*House Amendment No. 1
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 15, Section 99.1116, Line 15, by inserting after the word "establishment" the following:

“or any business involved in any way with embryonic stem cell research or somatic cell nuclear transfer (SCNT).”.

Representative Richard raised a point of order that **House Amendment No. 1 to House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

HCS HBs 1030, 1033, 1146, 1225 & 1326, as amended, with House Amendment No. 1 to House Amendment No. 5 and House Amendment No. 5, pending, was laid over.

On motion of Representative Dempsey, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Jetton.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Ali Dalton and Chandler Dalton.

HOUSE RESOLUTION

Representative Bruns offered House Resolution No. 1720.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 1667
through
House Resolution No. 1688 - Representative Sander
House Resolution No. 1689 - Representative Fares
House Resolution No. 1690 - Representative Bowman
House Resolution No. 1691 - Representative Quinn
House Resolution No. 1692 - Representatives Wallace and Wood
House Resolution No. 1693
through
House Resolution No. 1697 - Representative Aull
House Resolution No. 1698
through
House Resolution No. 1711 - Representative Icet
House Resolution No. 1712 - Representatives Pratt and Burnett
House Resolution No. 1713
through
House Resolution No. 1719 - Representative Wilson (119)
House Resolution No. 1721 - Representative Guest
House Resolution No. 1722 - Representative Robb
House Resolution No. 1723 - Representative Flook
House Resolution No. 1724 - Representative Nieves
House Resolution No. 1725
through
House Resolution No. 1738 - Representative Sander
House Resolution No. 1739
and
House Resolution No. 1740 - Representative Cooper (158)
House Resolution No. 1741 - Representative Wagner
House Resolution No. 1742 - Representative Jetton
House Resolution No. 1743 - Representative Schneider
House Resolution No. 1744 - Representative Lipke
House Resolution No. 1745 - Representative El-Amin
House Resolution No. 1746 - Representative Jetton
House Resolution No. 1747 - Representative Curls
House Resolution No. 1748 - Representative Kingery
House Resolution No. 1749
through
House Resolution No. 1753 - Representative Lipke

HOUSE CONCURRENT RESOLUTION

Representative Cunningham (86), et al., offered House Concurrent Resolution No. 45.

PERFECTION OF HOUSE BILL

HCS HBs 1783 & 1479, relating to the scholarships tax credit program, was taken up by Representative Bearden.

HCS HBs 1783 & 1479 was placed on the Informal Calendar.

Representative Rector assumed the Chair.

THIRD READING OF HOUSE BILL - CONSENT

HCS HB 1559, relating to the donation of food, was taken up by Representative Cunningham (86).

On motion of Representative Cunningham (86), **HCS HB 1559** was read the third time and passed by the following vote:

AYES: 141

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bringer	Brooks	Brown 50	Bruns	Casey
Chinn	Chappelle-Nadal	Cooper 120	Cooper 158	Cunningham 145
Cunningham 86	Curls	Dake	Daus	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Ervin	Faith	Fares	Fisher
Frame	Franz	George	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hunter	Ice	Jackson	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kelly
Kingery	Kratky	Kraus	Kuessner	Lager
Lampe	Lembke	Liese	Lipke	Loehner
May	McGhee	Meiners	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Oxford	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Roorda	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schneider	Schoemehl
Self	Shoemyer	Silvey	Smith 14	Smith 118
Smith 150	Stevenson	St. Onge	Storch	Swinger
Threlkeld	Tilley	Viebrock	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright 137	Wright 159
Wright-Jones	Yaeger	Yates	Young	Zweifel
Mr Speaker				

NOES: 009

Bowman	Burnett	Darrough	Fraser	Hughes
Low 39	Lowe 44	Skaggs	Spreng	

PRESENT: 000

ABSENT WITH LEAVE: 013

Bean	Boykins	Brown 30	Cooper 155	Corcoran
Flook	LeVota	Marsh	Meadows	Page
Parker	Rucker	Sutherland		

Representative Rector declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HBs 1030, 1033, 1146, 1225 & 1326, as amended, with House Amendment No. 1 to House Amendment No. 5 and House Amendment No. 5, pending, relating to political subdivisions, was again taken up by Representative Johnson (47).

House Amendment No. 5 was withdrawn.

Representative Harris (110) raised a point of order that **House Amendment No. 1 to House Amendment No. 5** needs to be dispensed with before taking action on **House Amendment No. 5**.

Speaker Pro Tem Bearden resumed the Chair.

The Chair ruled the point of order not well taken.

Representative Phillips offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 50.327, Page 2, Line 15, by inserting after all of said line the following:

“50.660. **1.** All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than four thousand five hundred dollars. It is not necessary to obtain bids on any purchase in the amount of four thousand five hundred

dollars or less made from any one person, firm or corporation during any period of ninety days. All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, in any county of the first classification, advertising shall not be required in the case of contracts or purchases involving an expenditure of less than seven thousand five hundred dollars, nor shall it be necessary to obtain bids on any purchase in the amount of seven thousand five hundred dollars or less made from any one person, firm or corporation during any period of ninety days.”; and

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

On motion of Representative Phillips, **House Amendment No. 6** was adopted.

Representative Smith (118) offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 50.800, Pages 2-6, Lines 1-132, by deleting all of said section from the substitute; and

Further amend said substitute, Section 50.810, Pages 6-7, Lines 1-32, by deleting all of said section from the substitute; and

Further amend said substitute, Section 50.815, Pages 7-8, Lines 1-56, by deleting all of said section from the substitute; and

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

Representative Rector resumed the Chair.

On motion of Representative Smith (118), **House Amendment No. 7** was adopted.

Representative St. Onge offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 94.860, Page 22, Line 106, by inserting after the second occurrence of the word “**service**” the following:

“**in any county with a charter form of government and with more than one million inhabitants**”; and

Further amend said bill, Section 321.552, Page 28, Line 72, by inserting after the second occurrence of the word “**district**” the following:

“**in any county with a charter form of government and with more than one million inhabitants**”; and

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

On motion of Representative St. Onge, **House Amendment No. 8** was adopted.

Representative Hunter offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 25, Section 228.190, Line 14, by inserting after all of said line the following:

"260.830. 1. Any county of the third classification or any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants or any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants **or any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants** may, by a majority vote of its governing body, impose a landfill fee pursuant to this section and section 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

- YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. If an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, [2003] **2006**, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the county commission or authority for economic development within the county. Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also indicate whether the county commission or economic development authority receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the

governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body.";

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

On motion of Representative Hunter, **House Amendment No. 9** was adopted.

Representative Schlottach offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 67.1003, Page 14, Line 39, by inserting after all of said line the following:

“67.1360. The governing body of:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;
- (14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;
- (15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;

(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county **through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005 between one thousand eight hundred fifty and one thousand nine hundred;**

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

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

On motion of Representative Schlottach, **House Amendment No. 10** was adopted.

Representative Villa offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 72.080, Page 19, Line 67, by inserting after all of said line the following:

“92.500. 1. The governing body of any city not within a county may impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-half of one percent, and shall be imposed solely for the purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for compensation, pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

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

Shall (insert the name of the city) impose a sales tax at a rate of (insert rate of percent) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city?

YES

NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

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

Shall (insert the name of the city) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of providing revenues for the operation of public safety departments of the city?

YES

NO

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

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

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and

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

On motion of Representative Villa, **House Amendment No. 11** was adopted.

Representative Dougherty offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 19, Section 72.080, Line 67, by inserting after all of said line the following:

"82.301. No ordinance adopted by any home rule city with more than four hundred thousand inhabitants and located in more than one county shall be construed to prohibit the use of any tobacco product, as such term is defined in section 149.011, RSMo, in any facility owned and operated by any entity that is exempt from taxation under Section 501(c)(10) of the Internal Revenue Code of 1986, as amended."; and

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

On motion of Representative Dougherty, **House Amendment No. 12** was adopted.

Representative Burnett offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 31, Line 5, by inserting after all of said line the following:

"479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday, **except municipal judges in any home rule city with more than four hundred thousand inhabitants and located in more than one county in which case no person shall serve as municipal judge after that person has reached that person's sixty-fifth birthday.**

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete

the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge."; and

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

On motion of Representative Burnett, **House Amendment No. 13** was adopted.

Representative Oxford offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 67.1003, Page 14, Line 39, by inserting after all of said line the following:

"67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight members, four of whom shall be appointed by the chief executive of the city with approval of the board of aldermen, and four of whom shall be appointed by the chief executive of the county with approval of the governing body of the county. Of the eight members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, two city appointees and two county appointees shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person appointed by that chief executive. All members and the chairperson must reside within the district while serving as a member. All members shall serve without compensation. [Nothing shall prohibit a representative of the taxicab industry from being chairperson.] **No owner, employee, shareholder, or independent contractor over whom the commission has oversight, or any person who stands to benefit economically or politically, directly or indirectly, shall be appointed to the commission. No member of the commission shall be related to a representative of the transportation industry within the third degree of consanguinity or affinity.**

2. [In making the eight appointments set forth in subsection 1 of this section, the chief executive officer of the city and the chief executive officer of the county shall collectively select four representatives of the taxicab industry. Such four representatives of the taxicab industry shall include at least one from each of the following:

- (1) An owner or designated assignee of a taxicab company which holds at least one but no more than one hundred taxicab licenses;
- (2) An owner or designated assignee of a taxicab company which holds at least one hundred one taxicab licenses or more;
- (3) A taxicab driver, excluding any employee or independent contractor of a company currently represented on the commission.

The remaining five commission members shall be designated "at large" and shall not be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material or financial interest in such industry. If any representative of the taxicab industry resigns or is otherwise unable to serve out the term for which such representative was appointed, a similarly situated representative of the taxicab industry shall be appointed to complete the specified term.] **An advisory committee composed of ten representatives of the transportation industry shall be established to advise the commission from time to time. Such ten representatives of the transportation industry shall be named by the commission and shall include a diverse representation from the full range of transportation modes regulated by the commission, including but not limited to small and large "on-call" taxicab companies, airport taxi companies, and companies using luxury transportation, courtesy vehicles, rickshaws, horse-drawn carriages, paratransit vehicles, and other transportation equipment.";** and

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

On motion of Representative Oxford, **House Amendment No. 14** was adopted.

Representative Witte offered **House Amendment No. 15.**

House Amendment No. 15

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 23, Section 138.135, Line 15, by inserting after all of said line the following:

"162.441. 1. If any school district desires to be attached to one or more adjacent seven-director school districts for school purposes, upon the receipt of a petition setting forth such fact, signed either by voters of the district equal in number to ten percent of those voting in the last school election at which school board members were elected or by a majority of the voters of the district, whichever is the lesser, **but in no event less than fifty voters**, the school board of the district desiring to be so attached shall submit the question to the voters.

2. As an alternative to the procedure in subsection 1 of this section, a seven-director district may, by a majority vote of its board of education, propose a plan to the voters of the district to attach the district to one or more adjacent seven-director districts and call for an election upon the question of such plan.

3. A plat of the proposed changes to all affected districts shall be published and posted with the notice of election.

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

Shall the school district be annexed to the school districts effective the day of,?

5. If a majority of the votes cast in the district proposing annexation favor annexation, the secretary shall certify the fact, with a copy of the record, to the board of the district and to the boards of the districts to which annexation is proposed; whereupon the boards of the seven-director districts to which annexation is proposed shall meet to consider the advisability of receiving the district or a portion thereof, and if a majority of all the members of each board favor annexation, the boundary lines of the seven-director school districts from the effective date shall be changed to include the district, and the board shall immediately notify the secretary of the district which has been annexed of its action.

6. Upon the effective date of the annexation, all indebtedness, property and money on hand belonging thereto shall immediately pass to the seven-director school district. If the district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall apply."; and

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

On motion of Representative Witte, **House Amendment No. 15** was adopted.

Representative Black offered **House Amendment No. 16.**

House Amendment No. 16

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 9, Section 67.304, Line 21, by inserting after said line the following:

"67.547. 1. In addition to the tax authorized by section 67.505, any county may, by a majority vote of its governing body, impose an additional county sales tax on all sales which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales tax allowed by law; except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose such tax.

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

Shall the county of (county's name) impose a countywide sales tax of (insert rate) percent?

YES

NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax as herein authorized unless and until the governing body of the county submits another proposal to authorize the governing body of the county to impose the sales tax under the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. The sales tax may be imposed at a rate of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, or one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

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

5. In any first class county having a charter form of government and having a population of nine hundred thousand or more, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-eighths of the proceeds of the tax shall be distributed to the county and the remaining five-eighths shall be distributed to the cities, towns and villages and the unincorporated area of the county on the ratio that the population of each bears to the total population of the county. The population of each city, town or village and the unincorporated area of the county and the total population of the county shall be determined on the basis of the most recent federal decennial census.

6. **In any county of the second classification with more than nineteen thousand seven hundred but fewer than nineteen thousand eight hundred inhabitants, the proceeds of the sales tax authorized by this section shall be distributed so that an amount equal to three-fourths of the proceeds of the tax shall be distributed to the county and the remaining one-fourth shall be distributed equally among the incorporated cities, towns, and villages of the county. Upon request from any city, town, or village within the county, the county shall make available for inspection the distribution report provided to the county by the department of revenue. Any expenses incurred by the county in supplying such report to a city, town, or village shall be paid by such city, town, or village.**

7. In any first class county having a charter form of government and having a population of nine hundred thousand or more, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

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

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

On motion of Representative Black, **House Amendment No. 16** was adopted.

Representative Cooper (120) assumed the Chair.

Representative Wood offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 19, Section 72.080, Line 67, by inserting after all of said line the following:

"94.839. 1. The governing body of any city of the fourth classification with more than two thousand two hundred but fewer than two thousand three hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty-eight thousand six hundred but fewer than twenty-eight thousand seven hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than four percent per occupied room per night, and shall be imposed solely for the purpose of promoting tourism and constructing or maintaining infrastructure improvements. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

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

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

YES

NO

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

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

3. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. Fifty percent of such revenue shall be used by the city solely for promoting tourism, and fifty percent of such revenue shall be used by the city solely for constructing or maintaining infrastructure improvements. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds. Any interest and moneys earned on such investments shall be credited to the fund.

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

Shall (insert the name of the city) repeal the tax imposed at a rate of (insert rate of percent) percent for promoting tourism and infrastructure improvements?

YES

NO

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

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

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that

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

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

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

On motion of Representative Wood, **House Amendment No. 17** was adopted.

Representative Dusenberg offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 25, Section 190.053, Line 18, by inserting after all of said line the following:

"193.065. The state registrar may appoint local registrars, each of whom shall be a person employed by an official county **or city** health agency except as otherwise herein provided. Each local registrar shall be authorized under the provisions of section 193.255 and subsection 2 of section 193.265 to issue certifications of death records. A local registrar, with the approval of the state registrar, may appoint deputies to carry out some or all of the responsibilities of the local registrar as provided in sections 193.005 to 193.325 or the regulations promulgated pursuant thereto. The local registrars shall immediately report to the state registrar violations of sections 193.005 to 193.325 or the regulations promulgated pursuant thereto. In any city not within a county, the state registrar shall appoint the recorder of deeds for such city as the local registrar."; and

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

On motion of Representative Dusenberg, **House Amendment No. 18** was adopted.

Representative Nance offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 67.2040, Page 17, Line 115, by inserting the following after all of said line:

"67.2715. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city that are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of constructing, equipping, operating, and maintaining a community center for such city, which may be funded by issuing bonds that will be retired by the revenues received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax.

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

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

"Shall the municipality of(municipality's name) impose a sales tax of (insert amount) for the purpose of constructing, equipping, operating, and maintaining a community center, which may include the retirement of debt under previously authorized bonded indebtedness?"

YES NO

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

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

"Shall the municipality of(municipality's name) issue bonds in the amount of (insert amount) to fund the cost of constructing, equipping, operating, and maintaining a community center impose a sales tax of(insert amount) to repay bonds?"

YES NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, including when the proposal authorizes the reduction of debt under previously authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect, except that any proposal submitted under subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality shall have no power to issue any bonds or impose the sales tax authorized in this section unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to issue any bonds or impose the sales tax authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon; however, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for constructing, equipping, operating, and maintaining a community center for such city for so long as the tax shall remain in effect. The provisions of this subsection shall apply only to taxes authorized by this section which have not been imposed to retire bonds issued under this section.

4. All revenue received by a municipality that issues bonds under this section and imposes the tax authorized by this section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of the community center. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for the operation and maintenance of the capital improvements made with the revenue received as a result of the issuance of such bonds. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued under this section may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section that have been imposed to retire bonds issued under this section.

5. No tax imposed under this section for the purpose of retiring bonds issued under this section may be terminated until all of such bonds have been retired.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for operating and maintaining the community center for the city. Any funds in such special trust fund that are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

7. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Community Center Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of

revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city that levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

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

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

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

On motion of Representative Nance, **House Amendment No. 19** was adopted.

Representative Ervin offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 23, Section 138.135, Line 15, by inserting after all of said line the following:

"139.100. 1. If any taxpayer shall fail or neglect to pay to the collector his taxes at the time required by law, then it shall be the duty of the collector, after the first day of January then next ensuing, to collect and account for, as other taxes, an additional tax, as penalty, the amount provided for in section 140.100, RSMo.

2. Collectors shall, on the day of their annual settlement with the county governing body, file with governing body a statement, under oath, of the amount so received, and from whom received, and settle with the governing body therefor; but, interest shall not be chargeable against persons who are absent from their homes, and engaged in the military service of this state or of the United States. The provisions of this section shall apply to the city of St. Louis, so far as the same relates to the addition of such interest, which, in such city, shall be collected and accounted for by the collector as other taxes, for which he shall receive no compensation.

3. Whenever any collector of the revenue in the state fails or refuses to collect the penalty provided for in this section on state and county taxes, it shall be the duty of the director of revenue and county clerk to charge such collectors with the amount of interest due thereon, as shown by the returns of the county clerk, and such collector shall be liable to the penalties as provided for in section 139.270.

4. For purposes of this section and other provisions of law relating to the timely payment of taxes due on any real or personal property, payments for taxes due on any real or personal property which are delivered by United States mail to the collector, the collector's office, or other officer or office designated by the county or city to receive such payments, of the appropriate county or city, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of taxes due is sent by registered or certified mail, the date of registration or certification shall be deemed the postmark date. No additional tax or penalty shall be imposed under this section on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment or if the postmaster for the jurisdiction where

the payment was mailed verifies in writing that the payment was deposited in the United States mail within the prescribed period or on or before the prescribed date, including any extension granted, for making the payment, and was delayed in delivery because of an error by the United States postal service and not because of an error by the taxpayer.

5. In the event that any taxpayer timely pays, in whole or in part, any tax on real or personal property, and such payment is determined to be an underpayment of such tax, and such underpayment is the result of an error or omission by any county official or employee, no penalty or interest for such underpayment shall be levied upon such taxpayer or collected from such taxpayer."; and

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

On motion of Representative Ervin, **House Amendment No. 20** was adopted.

Representative Rector offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 4, Page 31, Line 47, by inserting after all of said line the following:

"Section 5. Notwithstanding any provision to the contrary, when any church located on property annexed by a city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants is exempt from such city's fire flow water rates because of a grandfathering provision, any addition built onto that church also shall be exempt from the fire flow water rate."; and

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

On motion of Representative Rector, **House Amendment No. 21** was adopted.

Representative Nolte offered **House Amendment No. 22**.

House Amendment No. 22

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 22, Section 94.860, Line 107, by inserting after all of said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan

to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following [percents] **percentages** of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses 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, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real

estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. [The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, shall become effective January 1, 2003, for any taxing jurisdiction within a county with a charter form of government with greater than one million inhabitants, and the provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, shall become effective October 1, 2004, for all taxing jurisdictions in this state.] Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by this act, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling."; and

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

On motion of Representative Nolte, **House Amendment No. 22** was adopted.

Representative Wilson (119) offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 8, Section 52.230, Line 10, by inserting after all of said line the following:

"54.040. **1. A candidate for election or appointment as county treasurer shall be at least twenty-one years of age, a citizen of the United States, and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election or appointment for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and real property taxes. Upon election or appointment to such office, the person shall continue to reside in that county during his or her tenure in office.**

2. No sheriff, marshal, clerk or collector, or the deputy of any such officer, shall be eligible to the office of treasurer of any county."; and

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

On motion of Representative Wilson (119), **House Amendment No. 23** was adopted.

Representative Rector resumed the Chair.

Representative Wood offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 25, Section 228.190, by inserting after all of said section the following:

"230.220. **1. In each county adopting it, the county highway commission established by sections 230.200 to 230.260 shall be composed of the three commissioners of the county commission and one person elected from the unincorporated area of each of the two county commission districts. Except that the presiding commissioner and one of the associate commissioners by process of election may reside in the same township, not more than one member of the county highway commission shall be a resident of the same township of the county. The county commission shall designate one county commission district as district A and the other as district B. The member of the county highway commission first elected from district A shall serve a term of two years. The member first elected from district B shall serve a term of four years. Upon the expiration of the term of each such member, his successors shall be elected for a term of four years. The commissioners of the county commission shall serve as members of the county highway commission during their term as county commissioners.**

2. The elected members of the county highway commission shall be nominated at the primary election and elected at the general election next following the adoption of the proposition for the alternative county highway commission by the voters of the county. Candidates shall file and the election shall be conducted in the same manner as for the nomination and election of candidates for county office. Within thirty days after the adoption of an alternative

county highway commission by the voters of any county as provided in sections 230.200 to 230.260, the governor shall appoint a county highway commissioner from each district from which a member will be elected at the next following general election. The commissioners so appointed shall hold their office until their successors are elected at the following general election. Appointments shall be made by naming one member from each of the two political parties casting the highest number of votes in the preceding general election.

3. Members of the county highway commission [shall receive as compensation for their services fifteen dollars per day for the first meeting each month and five dollars for each meeting thereafter during the month. The members shall also receive a mileage allowance of eight cents per mile actually and necessarily traveled in the performance of their duties.] **who are not also members of the county's governing body shall serve without compensation, except that an attendance fee may be paid to such members in an amount per meeting, as set by the county's governing body. Said members may also receive a mileage allowance for miles actually and necessarily traveled in the performance of their duties, in the same amount per mile received by the members of the county's governing body.** The compensation and mileage allowance of the members of the commission shall be paid out of the road and bridge fund of the county.

4. If a vacancy occurs among the elected members of the county highway commission, the members of the county highway commission shall select a successor who shall serve until the next regular election."; and

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

On motion of Representative Wood, **House Amendment No. 24** was adopted.

Representative Roorda offered **House Amendment No. 25**.

House Amendment No. 25

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 2, Section 49.292, Line 10, by inserting after all of said line the following:

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

(1) **Prohibits a person from harboring, keeping, or having under his or her control any dog upon his or her property that causes fear or annoyance to persons living in the immediate area or passing upon the streets or sidewalks near the property by frequently and habitually barking, yelping, or howling, unless such property is being used as a licensed kennel, veterinary clinic, or animal hospital;**

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

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

(4) **Prohibits any person from possessing or discharging fireworks, as defined in section 320.106, RSMo, that make noise, on dates and at times designated by the governing body.";** and

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

Representative Meadows offered **House Amendment No. 1 to House Amendment No. 25**.

House Amendment No. 1

to

House Amendment No. 25

AMEND House Amendment No. 25 to House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 2, Section 49.700, by inserting after all of said section the following:

"67.320. 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants may prosecute and punish violations of its county orders

in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law [but only in the areas of traffic violations, solid waste management and animal control]. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, RSMo, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140, RSMo, shall be synonymous with the term order for purposes of this section.

227.559. Any home rule city having a population of sixty thousand inhabitants or greater [or], any charter county of the first classification, **or any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants** may adopt ordinances, policies, resolutions, or regulations consistent with sections 227.551 to 227.559 regarding the relocation of utility facilities located within the right-of-way of streets, highways, or roads under their respective jurisdiction, which are not state highways. Any ordinance, policy, resolution, or regulation adopted under the authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right to construct, own, operate, and maintain utility facilities within the right-of-ways of such political subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy, resolution, or regulation.”; and

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

On motion of Representative Meadows, **House Amendment No. 1 to House Amendment No. 25** was adopted.

Representative Hughes offered **House Amendment No. 2 to House Amendment No. 25**.

*House Amendment No. 2
to
House Amendment No. 25*

AMEND House Amendment No. 25 to House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 49.700, Page 2, Lines 5 through 7 of said amendment, by deleting all of said lines and inserting in lieu thereof the following:

“(4) No governing body of any county of the first, second, third, or fourth classification shall have the authority to enact any noise ordinance or order under this section governing any railroad company,” ; and

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

On motion of Representative Hughes, **House Amendment No. 2 to House Amendment No. 25** was adopted.

Representative Roorda moved that **House Amendment No. 25, as amended**, be adopted.

Which motion was defeated.

Representative Roorda offered **House Amendment No. 26**.

House Amendment No. 26

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 28, Section 321.552, Line 73, by inserting after all of said line the following:

"321.688. 1. The board of directors of any fire district in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants may consolidate upon the passage of a joint resolution by each board desiring to consolidate. The joint resolution shall not become effective unless each board submits to the voters residing within the fire protection districts at a state general, primary, or special election a proposal to authorize the consolidation under this section.

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

Shall (insert the name of the fire protection district) be consolidated into one fire protection district, to be known as the (insert name of proposed consolidated fire protection district)?

YES

NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon in each existing fire protection district are in favor of the question, then the consolidation shall become effective on January first of the year immediately following the approval of the consolidation, unless the consolidated is approved at a November election, in which case the consolidation shall become effective on January first of the second year following the approval of the consolidation. If a majority of the votes cast on the question by the qualified voters voting thereon in any of the existing fire protection districts desiring to consolidate are opposed to the question, then the consolidation shall not become effective unless and until the question is resubmitted within twelve months of the vote under this section to the qualified voters in the fire protection district opposed to the consolidation and such question is approved by a majority of the qualified voters voting on the question.

3. The board of directors of any consolidated fire protection district created under this section shall have six members, and shall consist of the existing board members of the fire protection districts that were consolidated. Upon the first occurrence of a vacancy in the membership of the board, the number of members on the board may be reduced from six to five upon approval by a majority of the remaining board members. The terms of office for board members shall be identical to the terms of office the board members were originally elected to serve before the consolidation.

4. Upon the approval of consolidation under this section, the consolidated district shall be a political subdivision of this state and a body corporate, with all the powers of like or similar corporations, and with all the powers, privileges, and duties of fire protection districts under this chapter. All properties, rights, assets, and liabilities of the fire protection districts which are consolidated, including outstanding bonds thereof if any, shall become the properties, rights, assets, and liabilities of the consolidated fire protection district.

5. The consolidated fire protection district shall levy the same taxes as levied in the fire protection district with the lowest tax levy before the consolidation."; and

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

On motion of Representative Roorda, **House Amendment No. 26** was adopted by the following vote:

AYES: 152

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Bringer	Brooks	Brown 50
Bruns	Burnett	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145

Cunningham 86	Curls	Dake	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Faith	Fares	Fisher
Flook	Frame	Franz	Fraser	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hughes	Hunter	Ice	Jackson
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kingery	Kratky	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford	Page
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Roorda	Rucker
Ruestman	Rupp	Salva	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoemehl	Self	Shoemyer	Silvey	Skaggs
Smith 14	Smith 118	Smith 150	Spreng	Stevenson
St. Onge	Storch	Sutherland	Swinger	Threlkeld
Tilley	Viebrock	Villa	Vogt	Wagner
Wallace	Walsh	Walton	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yaeger	Young
Zweifel	Mr Speaker			

NOES: 005

Ervin	Guest	Kraus	Wells	Yates
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PRESENT: 000

ABSENT WITH LEAVE: 006

Bean	Brown 30	George	Kelly	Marsh
Wasson				

Representative Roorda offered **House Amendment No. 27.**

House Amendment No. 27

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 29, Section 473.748, Line 6, by inserting after all of said line the following:

"650.465. All law enforcement, ambulance, and fire protection agencies shall remove all emergency lights, sirens, and decals designating a vehicle as an emergency vehicle prior to selling or consigning such vehicle unless such vehicle is being sold directly to another public or private public safety agency."; and

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

On motion of Representative Roorda, **House Amendment No. 27** was adopted.

Representative Roorda offered **House Amendment No. 28.**

House Amendment No. 28

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 26, Section 321.200, Line 24, by inserting after all of said line the following:

"321.222. 1. As used in this section, the term "residential construction" shall mean new construction and erection of detached single-family or two-family dwellings, the alteration, enlargement, replacement, or repair of detached single-family or two-family dwellings.

2. As used in this section, the term "residential construction regulatory system" means any bylaw, ordinance, order, rule, or regulation pertaining to residential construction, the implementation or enforcement of any permitting system or program relative to residential construction, including the use or occupancy by the initial occupant thereof, or the implementation or enforcement of any system or program for the inspection of residential construction.

3. Notwithstanding the provisions of any other law to the contrary, in the event a city, town, village, or county adopts or has adopted, implements or has implemented, or enforces a residential construction regulatory system or any portion thereof applicable to residential construction within its jurisdiction, neither fire protection districts nor their boards shall have the power, authority, or privilege to adopt, enforce, or implement a residential construction regulatory system or any portion thereof applicable to or pertaining to residential construction within the jurisdiction of such city, town, village, or county.

4. Any residential construction regulatory system or any portion thereof adopted or previously adopted, implemented or previously implemented, or enforced by a fire protection district or its board as to residential construction within the jurisdiction of a city, town, village, or county shall be null and void as of the date on which such city, town, village, or county adopts, implements, or enforces its own residential construction regulatory system as to residential construction within its jurisdiction whether or not the residential construction regulatory system or any portion thereof adopted, implemented, or enforced by such city, town, village, or county specifically addresses matters addressed in substance or manner by the residential construction regulatory system or any portion thereof adopted, implemented, or enforced by the applicable fire protection district or its board.

5. In no event shall a fire protection district or its board enact, adopt, or implement any bylaws, ordinances, orders, rules, or regulations that pertain, in any manner, to either the subdivision of land for the purpose of residential construction or to the construction, installation, and erection of any improvements, infrastructure, and utility facilities related to or for the purpose of serving residential construction.

6. Any residential construction regulatory system or any portion thereof adopted or previously adopted, implemented or previously implemented, or enforced by the applicable fire protection district or board that is in conflict with this section shall be void.

7. This section shall only apply to any fire protection district located wholly within any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants.

8. Notwithstanding any provision in this section to the contrary, a fire protection district may enter into a contract with a county, city, town, or village to assist in the implementation of the residential construction regulatory system of such county, city, town, or village as it relates to fire protection issues as long as the county, city, town, or village retains jurisdiction over the implementation and enforcement of such system.

9. This section shall not apply to any regulation of blasting, including the storage and discharge of explosives by fire protection districts governed by this section."; and

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

Representative Roorda moved that **House Amendment No. 28** be adopted.

Which motion was defeated.

Representative Robb offered **House Amendment No. 29**.

House Amendment No. 29

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 67.304, Page 9, Line 21, by inserting the following after all of said line:

“67.797. 1. When a regional recreational district is organized in only one county, the executive, as that term is defined in subdivision (4) of section 67.750, with the advice and consent of the governing body of the county shall appoint a board of directors for the district consisting of seven persons, chosen from the residents of the district. Where the district is in more than one county, the executives, as defined in subdivision (4) of section 67.750, of the counties in the district [shall], with the advice and consent of the governing bodies of each county shall, as nearly as practicable, evenly appoint such members and allocate staggered terms pursuant to subsection 2 of this section, with the county having the largest area within the district appointing a greater number of directors if the directors cannot be appointed evenly. No member of the governing body of the county or official of any municipal government located within the district shall be a member of the board and no director shall receive compensation for performance of duties as a director. Members of the board of directors shall be citizens of the United States and they shall reside within the district. No board member shall be interested directly or indirectly in any contract entered into pursuant to sections 67.792 to 67.799.

2. The directors appointed to the regional recreation district shall hold office for three-year terms, except that of the members first appointed, two shall hold office for one year, two shall hold office for two years and three shall hold office for three years. The executives of the counties within the regional recreational district shall meet to determine and implement a fair allocation of the staggered terms among the counties, provided that counties eligible to appoint more than one board member may not appoint board members with identical initial terms until each of a one-year, two-year and three-year initial term has been applied to such county. On the expiration of such initial terms of appointment and on the expiration of any subsequent term, the resulting vacancies shall be filled by the executives of the respective counties, with the advice and consent of the respective governing bodies. All vacancies on the board shall be filled in the same manner for the duration of the term being filled. Board members shall serve until their successors are named and such successors have commenced their terms as board members. Board members shall be eligible for reappointment. Upon the petition of the county executive of the county from which the board member received his or her appointment, the governing body of the county may remove any board member for misconduct or neglect of duties.

3. Notwithstanding any other provision of sections 67.750 to 67.799, to the contrary, after August 28, 2004, in any district located in whole or in part in any county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, upon the expiration of such initial terms of appointment and on the expiration of any subsequent term, the resulting vacancies shall be filled by election at the next regularly scheduled election date throughout the district. In the event that a vacancy exists before the expiration of a term, the governing body of the county shall appoint a member for the remainder of the unexpired term. Board members shall be elected for terms of three years. Such elections shall be held according to this section and the applicable laws of this state. If no person files as a candidate for election to the vacant office within the applicable deadline for filing as a candidate, then the governing body of any such county shall appoint a person to be a member of the board for a term of three years. Any appointed board members shall be eligible to run for office.

4. Directors shall immediately after their appointment meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. The directors shall make and adopt such bylaws, rules and regulations for their guidance and for the government of the parks, neighborhood trails and recreational grounds and facilities as may be expedient, not inconsistent with sections 67.792 to 67.799. They shall have the exclusive control of the expenditures of all money collected to the credit of the regional recreational fund and of the supervision, improvement, care and custody of public parks, neighborhood trails, recreational facilities and grounds owned, maintained or managed by the district. All moneys received for such purposes shall be deposited in the treasury of the county containing the largest portion of the district to the credit of the regional recreational fund and shall be kept separate and apart from the other moneys of such county. Such board shall have power to purchase or otherwise secure ground to be used for such parks, neighborhood trails, recreational grounds and facilities, shall have power to appoint suitable persons to maintain such parks, neighborhood trails and recreational facilities and administer recreational programs and fix their compensation, and shall have power to remove such appointees.

5. The board of directors may issue debt for the district pursuant to section 67.798.

6. If a county, or a portion of a county, not previously part of any district, shall enter a district, the executives of the new member county and any previous member counties shall promptly meet to apportion the board seats among the counties participating in the enlarged district. All purchases in excess of ten thousand dollars used in the construction or maintenance of any public park, neighborhood trail or recreational facility in the regional recreation district shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the district shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.

7. Notwithstanding other provisions of this section to the contrary, when a regional recreational district lies completely within any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants on land owned solely by the

county, the governing body of the county shall have exclusive control of the expenditures of all moneys collected to the credit of the regional recreational fund, and of the supervision, improvement, care, and custody of public parks, neighborhood trails, recreational facilities, and grounds owned, maintained, or managed by the county within the district.”; and

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

On motion of Representative Robb, **House Amendment No. 29** was adopted.

Representative Robb offered **House Amendment No. 30**.

House Amendment No. 30

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 94.860, Page 22, Line 107, by inserting the following after all of said line:

“100.050. 1. Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

- (1) A description of the project;
- (2) An estimate of the cost of the project;
- (3) A statement of the source of funds to be expended for the project;
- (4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and
- (5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

- (1) A statement identifying each school district, junior college district, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153, RSMo;
- (2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;
- (3) An analysis of the costs and benefits of the project on each school district, junior college district, county, or city; and
- (4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, junior college district, county, or city in proportion to the current ad valorem tax levy of each school district, junior college district, county, or city; however, in any county of the first classification with more than ninety- three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, **or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants**, if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.”; and

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

On motion of Representative Robb, **House Amendment No. 30** was adopted.

Representative Lipke offered **House Amendment No. 31**.

House Amendment No. 31

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 50.327, Page 2, Line 15, by inserting after said line the following:

"50.339. 1. In any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants, the salary commission at its meeting in 2003 and at any meeting held in 2004 may equalize the base salary for each office to an amount not greater than that set by law as the maximum compensation. Nothing in this section shall be construed to prevent offices which have additional compensation specified in law from receiving such compensation or from having such compensation added to the base compensation in excess of the equalized salary.

2. Notwithstanding any provision of section **50.327, 50.333, or 50.343** to the contrary, in any county of the first classification with more than sixty-eight thousand six hundred but less than sixty-eight thousand seven hundred inhabitants, the salary commission may meet in the year [2004] **2007** to determine whether to equalize the base salary for the office of treasurer **and public administrator** with the base salaries of [other county officers at an amount not greater than the amount set as the maximum compensation in subdivision (1) of subsection 1 of section 50.343] **the offices of auditor and recorder of deeds.**"; and

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

On motion of Representative Lipke, **House Amendment No. 31** was adopted.

Representative Cooper (158) offered **House Amendment No. 32.**

House Amendment No. 32

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 49.292, Page 2, Line 10, by inserting after said line the following:

"50.032. No county shall receive any state funds unless the county has determined, by order or ordinance, to agree to engage in mandatory mediation in any dispute regarding the portion of expenses the county shall pay in any matter involving financial expenditures by such county and another county to determine the portion of expenses each county shall be responsible for paying. Mediation under this section shall be nonbinding and independently administered. The counties shall mutually agree upon a qualified independent and neutral county commissioner of a county not involved in the dispute to serve as mediator, and shall share the costs of the mediator. If the counties cannot mutually agree upon county commissioner to serve as mediator, the matter shall be resolved by a three-person mediation panel consisting of county commissioner selected by each county, and one person selected by such selected county commissioners. In the event that a three-person mediation panel is necessary, each county shall bear the expense of its own mediator, and shall jointly and equally bear with the other county the expense of the third mediator and the mediation. The mediation shall take place within thirty days of the selection of the mediator or mediators. If the mediator issues a decision, either county may appeal the decision to the circuit court to determine the portion of expenses each county shall be responsible for paying.

50.339. 1. In any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants, the salary commission at its meeting in 2003 and at any meeting held in 2004 may equalize the base salary for each office to an amount not greater than that set by law as the maximum compensation. Nothing in this section shall be construed to prevent offices which have additional compensation specified in law from receiving such compensation or from having such compensation added to the base compensation in excess of the equalized salary.

2. Notwithstanding any provision of section **50.333 or 50.343** to the contrary, in any county of the first classification with more than sixty-eight thousand six hundred but less than sixty-eight thousand seven hundred inhabitants, the salary commission may meet in the year [2004] to determine whether to equalize the base salary for the office of treasurer **and public administrator** with the base salaries of [other county officers at an amount not greater than the amount set as the maximum compensation in subdivision (1) of subsection 1 of section 50.343] **the offices of auditor and recorder of deeds.**

67.048. Any county board that receives funding from the county treasury and whose members are appointed by the county commission shall submit an annual report at the end of each fiscal year itemizing its expenditures.”; and

Further amend said bill, Section 138.135, Page 23, Line 15, by inserting after said line the following:

“140.852. The governing body of any county, city, town, or village may, by order or ordinance, enter into contracts with private attorneys or professional collection agencies for the collection of delinquent taxes owed to such county, city, town, or village by residents or nonresidents of such county, city, town, or village. No contract entered into under this section shall provide for a collection fee in excess of twenty percent of the amount collected.”; and

Further amend said bill, Section 473.748, Page 29, Line 6, by inserting after said line the following:

“610.010. As used in this chapter, unless the context otherwise indicates, the following terms mean:

- (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;
- (2) "Copying", if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;
- (3) "Public business", all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;
- (4) "Public governmental body", any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:
 - (a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, which is supported in whole or in part from state funds, including but not limited to the administrative entity known as "The Curators of the University of Missouri" as established by section 172.020, RSMo;
 - (b) Any advisory committee or commission appointed by the governor by executive order;
 - (c) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district including but not limited to sewer districts, water districts, and other subdistricts of any political subdivision;
 - (d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;
 - (e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds for the specific purpose of recommending directly to the public governmental body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision;
 - (f) Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation; and
 - (g) Any bi-state development agency established pursuant to section 70.370, RSMo;

(5) "Public meeting", any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, Internet chat, or Internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business;

(6) "Public record", any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. **The term "public record" also shall not include any item or grouping of items about a private individual that is collected or maintained by any municipality, including but not limited to the individual's financial information or transactions, medical history, or criminal or employment history, and that contains the individual's name, identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.** Any document or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record;

(7) "Public vote", any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.”; and

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

On motion of Representative Cooper (158), **House Amendment No. 32** was adopted.

Representative Yates offered **House Amendment No. 33**.

House Amendment No. 33

AMEND House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Section 228.190, Page 25, Line 14, by inserting after all of said line the following:

“247.030. 1. Territory that may be included in a district sought to be incorporated or enlarged may be wholly within one or in more than one county, may take in school districts or parts thereof, and cities that do not have a waterworks system or cities whose governing body has by a majority vote requested that the city or part thereof be included within the boundaries of a public water supply district. For the purpose of this section, "city" means any city, town or village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in the circuit court of the county in which the largest acreage is located. No two districts shall overlap.

2. Any two or more contiguous districts or any city and a contiguous district may, if there are no outstanding general obligation bonds relating to drinking water supply projects in either entity, by a majority vote of the governing body of each entity, provide for territory located in one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of the proposed annexation shall be filed with the circuit court that originally issued the decree of incorporation for a district which is detaching territory through the proposed annexation or with the circuit court that originally issued the decree of incorporation for a district which is including a city or part thereof through the proposed annexation. The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as for the filing of the original petition for incorporation; except that publication of notice shall not be required if a majority of the landowners in the territory proposed to be annexed consent in writing, and if notice of the hearing is posted in three public places within the territory proposed to be annexed at least seven days before the date

of the hearing. If publication of the notice is not required pursuant to this section, the court shall only approve the proposed annexation if there is sworn testimony by at least five landowners in the area of the proposed annexation, or a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from the one entity and annexed to the other. After the annexation is approved, the circuit court in which each district involved in the proceedings was incorporated shall amend the decree of incorporation for each district to reflect the change in the boundaries as a result of the annexation and redivide each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts have approximately the same area. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county having territory in the district and in the office of the secretary of state of the state of Missouri.

3. The boundaries of any district may be extended or enlarged from time to time upon the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

(1) The board of directors of the district and five or more voters or landowners within the territory proposed to be annexed by the district; or

(2) The board of directors of the district and a majority of the landowners within the territory proposed to be annexed to the district.

If the petition is filed by the board of directors of the district and five or more voters or landowners within the territory proposed to be annexed by the district, the same proceedings shall be followed as are provided in section 247.040 for the filing of a petition for the organization of the district, except that no election shall be held. Upon entry of a final order declaring the court's decree of annexation to be final and conclusive, the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. If the petition is filed by the board of directors of the district and a majority of the landowners within the territory proposed to be annexed, the publication of notice shall not be required, provided notice is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory proposed to be annexed, or a majority of the landowners if the total landowners in the area are fewer than ten. If the court finds that the annexation of such territory would be in the public interest, the court shall enter its order granting such annexation. Upon the entry of such order, the court shall modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district.

4. Should any landowner who owns real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, the landowner shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner. **However, at any time, a property owner within district boundaries may elect to receive water or sewer services from another supplier. In the event a district is providing water or sewer services to the property at the time of such election, the property owner shall compensate the district under the formula set forth in subdivision (3) of subsection 1 of section 247.160.**"; and

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

Speaker Pro Tem Bearden resumed the Chair.

Representative Bringer offered **House Amendment No. 1 to House Amendment No. 33.**

House Amendment No. 1 to House Amendment No. 33 was withdrawn.

Representative Bringer offered **House Amendment No. 2 to House Amendment No. 33.**

House Amendment No. 2
to
House Amendment No. 33

AMEND House Amendment No. 33 to House Committee Substitute for House Bill Nos. 1030, 1033, 1146, 1225 & 1326, Page 4, Section 247.030, Line 8, by inserting after the word “boundaries” the following:

“in first class counties with a charter form only”; and

Further amend Line 9, by inserting after the word “district” the following:

“in first class counties with a charter form of government only”.

On motion of Representative Bringer, **House Amendment No. 2 to House Amendment No. 33** was adopted by the following vote:

AYES: 141

Avery	Baker 25	Baker 123	Bearden	Behnen
Bivins	Bland	Bogetto	Bowman	Boykins
Bringer	Brown 50	Bruns	Burnett	Casey
Chinn	Chappelle-Nadal	Cooper 120	Cooper 155	Corcoran
Cunningham 145	Cunningham 86	Dake	Darrough	Daus
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dusenberg	Ervin	Faith
Fares	Fisher	Flook	Frame	Franz
Fraser	George	Guest	Harris 23	Harris 110
Haywood	Henke	Hobbs	Hoskins	Hubbard
Hughes	Hunter	Icet	Jackson	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	May	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Portwood	Pratt
Quinn	Richard	Roark	Robb	Robinson
Roorda	Rucker	Ruestman	Rupp	Salva
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoemehl	Shoemyer	Silvey	Skaggs
Smith 14	Smith 118	Smith 150	Spreng	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner	Walsh
Walton	Wasson	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 137
Wright-Jones	Yaeger	Yates	Young	Zweifel
Mr Speaker				

NOES: 014

Aull	Cooper 158	Davis	El-Amin	Emery
Kelly	McGhee	Pollock	Rector	Sander
Self	Wallace	Wells	Wright 159	

PRESENT: 002

Brooks Curls

ABSENT WITH LEAVE: 006

Bean Black Brown 30 Dougherty Marsh
Stevenson

Representative Yates moved that **House Amendment No. 33, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 044

Avery	Baker 123	Bearden	Boykins	Cooper 155
Cunningham 86	Daus	Dempsey	Dixon	Dusenberg
Faith	Fares	Flook	Haywood	Hughes
Johnson 47	Johnson 61	Jolly	Kratky	Kraus
LeVota	Liese	Low 39	Lowe 44	Muschany
Parker	Pollock	Pratt	Richard	Rupp
Scharnhorst	Schneider	Smith 14	Smith 118	Threlkeld
Tilley	Villa	Wallace	Wasson	Whorton
Wilson 119	Wood	Yates	Young	

NOES: 113

Aull	Baker 25	Behnen	Bivins	Bland
Bogetto	Bowman	Bringer	Brooks	Brown 50
Bruns	Burnett	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 158	Corcoran	Cunningham 145	Curls
Dake	Darrough	Davis	Day	Deeken
Denison	Dethrow	Donnelly	Dougherty	Emery
Ervin	Fisher	Frame	Franz	Fraser
George	Guest	Harris 23	Harris 110	Henke
Hobbs	Hoskins	Hubbard	Hunter	Icet
Jackson	Johnson 90	Jones	Kelly	Kingery
Kuessner	Lager	Lampe	Lembke	Lipke
Loehner	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Myers	Nance	Nieves
Nolte	Oxford	Page	Parson	Pearce
Phillips	Portwood	Quinn	Rector	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Salva	Sander	Sater	Schaaf	Schad
Schlottach	Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 150	Spreng	St. Onge	Storch
Sutherland	Swinger	Viebrock	Vogt	Wagner
Walsh	Walton	Wells	Weter	Wildberger
Wilson 130	Witte	Wright 137	Wright 159	Wright-Jones
Yaeger	Zweifel	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 006

Bean Black Brown 30 El-Amin Marsh
Stevenson

On motion of Representative Johnson (47), **HCS HBs 1030, 1033, 1146, 1225 & 1326, as amended**, was adopted.

On motion of Representative Johnson (47), **HCS HBs 1030, 1033, 1146, 1225 & 1326, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILL - FEDERAL MANDATE

HB 1466, relating to the Police Retirement System of St. Louis, was taken up by Representative Daus.

On motion of Representative Daus, **HB 1466** was ordered perfected and printed.

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 1475 - Rules

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 37 - Job Creation and Economic Development

HCR 41 - Rules

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HCS HB 1349 - Fiscal Review (Fiscal Note)

HCS HB 1532 - Fiscal Review (Fiscal Note)

HB 1520 - Children and Families

HB 1555 - Children and Families

HB 1635 - Judiciary

HB 1650 - Agriculture Policy

HB 1673 - Transportation

HB 1681 - Special Committee on General Laws

HB 1702 - Elections

HB 1717 - Judiciary

HB 1718 - Local Government

HB 1741 - Ways and Means

HB 1743 - Elections

HB 1791 - Crime Prevention and Public Safety

HB 1845 - Veterans

HB 1851 - Health Care Policy

HB 1852 - Elementary and Secondary Education

HB 1853 - Special Committee on Urban Issues
HB 1854 - Crime Prevention and Public Safety
HB 1855 - Local Government
HB 1856 - Health Care Policy
HB 1890 - Agriculture Policy
HB 1892 - Transportation
HB 1893 - Crime Prevention and Public Safety
HB 1912 - Special Committee General Laws
HB 1930 - Ways and Means
HB 1932 - Elementary and Secondary Education
HB 1945 - Special Committee on General Laws
HB 1946 - Elementary and Secondary Education
HB 1956 - Professional Registration and Licensing
HB 1958 - Local Government
HB 1983 - Local Government
HB 1990 - Health Care Policy
HB 1999 - Crime Prevention and Public Safety
HB 2001 - Children and Families
HB 2002 - Health Care Policy
HB 2007 - Special Committee on Energy and Environment
HB 2015 - Transportation
HB 2016 - Special Committee on Agri-Business
HB 2018 - Crime Prevention and Public Safety
HB 2033 - Insurance Policy
HB 2036 - Special Committee on Student Achievement and Finance
HB 2038 - Higher Education
HB 2042 - Crime Prevention and Public Safety
HB 2049 - Special Committee on Healthcare Facilities

RE-REFERRAL OF HOUSE BILLS

The following House Bills were re-referred to the Committee indicated:

HB 1327 - Special Committee on Healthcare Facilities
HB 1960 - Special Committee on Urban Issues

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The following Senate Concurrent Resolutions were referred to the Committee indicated:

SCS SCR 25 - Children and Families
SCR 27 - Conservation and Natural Resources

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SB 641 - Financial Institutions
SCS SBs 667, 704, 941, 956 & 987 - Transportation
SB 735 - Workforce Development and Workplace Safety
SB 779 - Workforce Development and Workplace Safety
SB 806 - Elementary and Secondary Education
SCS SB 830 - Veterans
SB 834 - Elementary and Secondary Education
SCS SB 870 - Corrections and Public Institutions
SB 871 - Retirement
SS SCS SB 916 - Transportation
SB 947 - Special Committee on Student Achievement and Finance
SB 951 - Local Government
SB 964 - Veterans
SB 974 - Health Care Policy
SB 981 - Crime Prevention and Public Safety
SB 990 - Transportation

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Guest reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HBs 1145, 1359 & 1121** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Job Creation and Economic Development, Chairman Richard reporting:

Mr. Speaker: Your Committee on Job Creation and Economic Development, to which was referred **SB 645**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Special Committee on Agri-Business, Chairman Munzlinger reporting:

Mr. Speaker: Your Special Committee on Agri-Business, to which was referred **HCR 30**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 30

WHEREAS, on June 7, 2001, President Bush signed the Economic Growth and Tax Relief Reconciliation Act of 2001 which included a repeal of the estate tax, but not until the year 2010; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001 also contained a sunset provision that brings the estate tax rules back in force in 2011, resulting in only a one-year reprieve from the estate tax; and

WHEREAS, under the current estate tax, heirs receive assets with a stepped-up basis equal to the value of the asset on the date of death. Under the new rules set to take effect in 2011, the stepped-up basis will only apply to \$4.3 million in assets passing to a spouse and \$1.3 million in assets inherited by nonspouses, with all assets over those limits passed on without the stepped-up basis; and

WHEREAS, the estate tax is the leading cause of dissolution of most small businesses, with 70% of businesses never passing to the next generation because of estate tax rates of 37% to 55%; and

WHEREAS, estate tax revenues amount to only 1.5% of federal revenue, but according to the Cato Institute, compliance with the estate tax costs the economy as much as the Treasury collects just to enforce it; and

WHEREAS, Americans overwhelmingly agree it is wrong to tax property and earnings that have already been taxed; and

WHEREAS, the estate tax is contrary to the American values of saving and investment because it penalizes individuals for saving, investing, and building successful farms and businesses; and

WHEREAS, on April 13, 2005, the United States House of Representatives voted to permanently repeal the estate tax, but the vote in the United States Senate scheduled for September 2005 was postponed so Congress could focus on Hurricane Katrina disaster relief; and

WHEREAS, in January 2006, President Bush, Vice President Cheney, and Senate Majority Leader Frist have called for repeal of the estate tax with the following statements:

(1) President Bush: "We thought it was unfair to say to a farmer and a small business owner, the government is going to tax you twice, so we put the death tax on the road to extinction....To keep this economy growing, to keep the entrepreneurial spirit alive, to make sure that the United States of America is the most productive nation in the world, the United States Congress must make the tax cuts permanent." (Chicago Board of Trade, 1/6/06);

(2) Vice President Cheney: "We gave new incentives to small businesses to expand, and we put the unfair death tax on the road to extinction....For the sake of the economy, and for the people who make it go, Congress must not raise taxes, and we need to make the Bush tax cuts permanent." (Harley-Davidson Manufacturing Plant, Kansas City, Missouri, 1/6/06);

(3) Senator Frist: "Sooner than later, I will take the elimination of the death tax to the Congress floor....Now is the time to kill the death tax forever." (American Farm Bureau Federation, 1/8/06); and

WHEREAS, family farms and small family-owned businesses are especially vulnerable to the unfair estate tax because most farmers and small business owners, unlike corporate CEOs, have the entire value of their farm and business in their estate. While heirs to a family farm or family business work to carry an enterprise to the next generation, the government immediately "inherits" 37% to 55% of the estate, a blow that many family farms and small businesses cannot survive; and

WHEREAS, the threat of the death tax forces family farmers and small business owners to spend thousands of dollars on accountants, lawyers, and financial planners so that they can try to ensure the survival of their family farms and small businesses after their death. For many family farmers and small business owners, they have worked a lifetime building an estate that the government has already taken its fair share from through the collection of income, property, and other taxes, and the estate should not be taxed again upon the owner's death:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Congress to immediately enact legislation that permanent repeals the estate tax which unfairly penalizes individuals for saving, investing, and building successful farms and businesses; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for each member of the Missouri Congressional delegation.

Special Committee on Student Achievement and Finance, Chairman Baker (123) reporting:

Mr. Speaker: Your Special Committee on Student Achievement and Finance, to which was referred **SB 644**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Jackson reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **SB 561**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Veterans, to which was referred **SCS SBs 701 & 948**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

ADVANCEMENT OF CONSENT BILLS

Pursuant to Rule 44(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HCS HB 977, HCS HB 1059, HB 1192, HCS HB 1244, HCS HB 1256, HCS HB 1440, HB 1446, HCS HB 1449, HB 1494, HCS HB 1508, HB 1509, HCS HB 1515, HCS HB 1551, HB 1715, HCS HB 1759, HB 1833 and HB 1857.**

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 53, introduced by Representatives Lembke, Nieves, Avery, Emery and Bivins, relating to eminent domain.

HJR 54, introduced by Representatives Lembke, Nieves, Avery, Emery and Bivins, relating to public nuisances.

HJR 55, introduced by Representative Lipke, relating to compensation and discipline of public officials.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 2060, introduced by Representative Dempsey, relating to the state board of education.

HB 2061, introduced by Representative Tilley, relating to child safety alarm systems.

HB 2062, introduced by Representative Page, relating to classroom placement of children.

HB 2063, introduced by Representatives Rupp and Hobbs, relating to eminent domain.

HB 2064, introduced by Representative Rupp, relating to sexually-oriented businesses.

HB 2065, introduced by Representatives Oxford, Boykins, Lampe, Storch, Schoemehl, Bogetto, Swinger, Shoemyer, Haywood, Curls, Walton, Bowman, Villa, Bland, Aull, Johnson (61), Henke, Kuessner, Meadows, Faith, Wallace and Chappelle-Nadal, relating to school class size.

HB 2066, introduced by Representative Skaggs, relating to registration of landlords.

HB 2067, introduced by Representative Munzlinger, relating to the department of natural resources.

HB 2068, introduced by Representatives Munzlinger, Pollock, Smith (118), Jones and Sater, relating to insurance producer continuing education requirements.

HB 2069, introduced by Representatives Bivins, Smith (14), Loehner, Moore, Fisher and St. Onge, relating to a property tax exemption on homesteads.

HB 2070, introduced by Representatives Bivins, Lembke, Corcoran, Fares, Avery, Nieves, Portwood, Threlkeld, Muschany, Frame, Schoemehl and Yaeger, relating to state aid for schools.

HB 2071, introduced by Representatives Bivins and Muschany, relating to property tax assessments.

HB 2072, introduced by Representatives Guest and Johnson (47), relating to property taxation.

HB 2073, introduced by Representatives Oxford, Boykins, Wright-Jones, Baker (25), Hubbard, Shoemyer, Low (39), Harris (110), Roorda, Bowman, Dake, Whorton, Storch, McGhee, Johnson (61), Donnelly, Darrough, Meadows, Curls and Bland, relating to caseload standards for certain state agencies.

HB 2074, introduced by Representative Hunter, relating to administrative law judges.

HB 2075, introduced by Representative Hunter, relating to workers' compensation.

HB 2076, introduced by Representatives Portwood, Lembke, Avery and Wright (137), relating to property tax relief for senior citizens.

HB 2077, introduced by Representative Lampe, relating to circuit judges in the thirty-first judicial circuit.

HB 2078, introduced by Representative Lampe, relating to surcharges in civil cases.

HB 2079, introduced by Representatives Harris (110), Henke, Kratky, Kuessner, Casey, Meadows, Schoemehl, Swinger, Dake, Bringer, Liese, Yaeger, Wagner, Shoemyer, Burnett, Aull, Dougherty, Robinson, Roorda, George, Villa, Walsh, Meiners, Spreng and Rucker, relating to the women's health services program.

HB 2080, introduced by Representatives Roorda, Casey, Wagner, Johnson (90) and Harris (110), relating to the board of directors of a central dispatching service for emergency services.

HB 2081, introduced by Representative Wagner, relating to the Agreement Among the State to Elect the President by National Popular Vote Act.

HB 2082, introduced by Representatives Low (39), Storch, Yaeger, Chappelle-Nadal, LeVota, George, Meadows, Frame, Walton, Casey, Roorda, Dake, Wildberger, Salva, Brown (50), Schoemehl, Bogetto, Page, Zweifel, Wagner, Hughes, Burnett, Bland, Daus, Wright-Jones, Jolly, Aull, Walsh, Lowe (44), Liese, Dougherty, Whorton, Wright (137), Parson, Tilley, Portwood and Donnelly, relating to the posting of nurse staffing levels at hospitals.

HB 2083, introduced by Representatives Low (39), Oxford, Burnett, Lowe (44), Walton, Schoemehl and Dougherty, relating to the safe place for newborns act.

HB 2084, introduced by Representatives Aull, Henke, Kuessner, Swinger, Skaggs, Hughes, Bland, Witte, Zweifel and Corcoran, relating to flood insurance.

HB 2085, introduced by Representatives Low (39), Oxford, Casey, Roorda, LeVota, Shoemeyer, Baker (25) and Wildberger, relating to the state auditor.

HB 2086, introduced by Representatives Bland, Hubbard, Meiners, Brown (50), Rucker, Bowman, Hughes, Wildberger, Aull, Oxford, Frame, Meadows, Casey, Dake, Bringer, Jolly, Storch, Chappelle-Nadal, Robinson and Curls, relating to the Missouri consolidated health care plan.

HB 2087, introduced by Representative Harris (110), relating to the procurement of human oocytes by coercion, payment, or valuable consideration.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 568**, entitled:

An act to repeal section 701.302, RSMo, and to enact in lieu thereof three new sections relating to the children's environmental health and protection advisory council.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 822**, entitled:

An act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new section relating to the health care provider tax, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 925**, entitled:

An act to repeal sections 260.200, 260.262, 260.273, 260.380, and 260.391, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1017**, entitled:

An act to repeal sections 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof three new sections relating to the state milk board.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1057**, entitled:

An act to repeal section 430.225, RSMo, and to enact in lieu thereof one new section relating to physical therapists.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1086**, entitled:

An act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1094**, entitled:

An act to repeal sections 71.790, 71.796, and 71.798, RSMo, and to enact in lieu thereof three new sections relating to special business districts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1101**, entitled:

An act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest tax for funding the promotion of tourism.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1117**, entitled:

An act to repeal sections 208.784 and 208.792, RSMo, and to enact in lieu thereof two new sections relating to the Missouri Rx plan advisory commission.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1122**, entitled:

An act to repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to conveyance of land by the board of governors of certain state universities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1130**, entitled:

An act to repeal section 79.365, RSMo, relating to boards of fourth class cities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1155**, entitled:

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

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1175**, entitled:

An act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for community center development.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1177**, entitled:

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

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1197**, entitled:

An act to repeal section 431.068, RSMo, and to enact in lieu thereof one new section relating to persons donating blood.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1206**, entitled:

An act to repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to the interstate compact for juveniles, with a contingent effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1207**, entitled:

An act to repeal section 67.547, RSMo, and to enact in lieu thereof one new section relating to sales tax imposed in counties.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1216**, entitled:

An act to repeal sections 407.1240 and 407.1249, RSMo, and to enact in lieu thereof two new sections relating to travel clubs.

In which the concurrence of the House is respectfully requested.

LETTER OF OBJECTION

March 29, 2006

Mr. Stephen S. Davis, Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Davis:

We, the undersigned, hereby object to the placement of **HCS HBs 1045, 1152, 1267 & 1634** on the Consent Calendar.

/s/ Bruce Darrough	District 75
/s/ J. C. Kuessner	District 152
/s/ Neal St. Onge	District 88
/s/ Mike Dethrow	District 153
/s/ Don Wells	District 147

WITHDRAWAL OF HOUSE BILL

March 29, 2006

Stephen Davis, Chief Clerk
Missouri House of Representatives
Missouri State Capitol Building
Jefferson City, MO 65101

Dear Mr. Clerk:

I am requesting to withdraw my **House Bill No. 2054**. I would like to re-submit this same bill with co-sponsors.

Thank you,

/s/ Craig Bland, State Representative
43rd District

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Thursday, March 30, 2006.

COMMITTEE MEETINGS

HEALTH CARE POLICY

Thursday, March 30, 2006, 8:00 a.m. Hearing Room 7.
Executive session may follow. AMENDED
Public hearings to be held on: HB 1089, HB 1106

JOINT COMMITTEE ON TERRORISM, BIOTERRORISM AND HOMELAND SECURITY

Thursday, March 30, 2006, 8:30 a.m. House Lounge.
Update from Department of Public Safety.
Briefing from Office of Administration on contracts process.

LOCAL GOVERNMENT

Thursday, March 30, 2006, 8:00 a.m. Hearing Room 6.
Executive session may follow.
Public hearings to be held on: SCS SB 751, SCS SB 802, SB 809, SCS SB 932, SB 893, SB 936

RULES

Thursday, March 30, 2006, 8:30 a.m. Hearing Room 4.
Executive session may follow.
Public hearing to be held on: SCS SCR 21

RULES [PURSUANT TO RULE 25(26)(f)]

Thursday, March 30, 2006, 8:30 a.m. Hearing Room 4.

Public hearings to be held on: HCS HB 1767, HCS HB 1487, HCS HB 1080, HCS HB 1194, HCS HB 1761, HCS HB 1441, HCS HB 1677, HCS HB 1726

SENIOR CITIZEN ADVOCACY

Thursday, March 30, 2006, 8:15 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: HB 1407, SCS SB 630

SPECIAL COMMITTEE ON ENERGY AND ENVIRONMENT

Tuesday, April 4, 2006, 8:00 a.m. Hearing Room 4.

Executive session only.

HOUSE CALENDAR

FORTY-SEVENTH DAY, THURSDAY, MARCH 30, 2006

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 53 through HJR 55

HOUSE BILLS FOR SECOND READING

HB 2060 through HB 2087

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 40 - Avery
- 2 HJR 44 - Whorton
- 3 HJR 39 - Bearden
- 4 HJR 43 - Dethrow

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1485 - Icet
- 2 HCS HB 1305 - Smith (118)
- 3 HB 994 - Dusenberg
- 4 HCS HB 1151 - Cunningham (86)
- 5 HCS HB 974 - Davis
- 6 HB 1498 - Dethrow (4 hours debate on Perfection)
- 7 HCS HB 1632 - Cooper (120)
- 8 HB 1827 - Wasson
- 9 HCS HB 1075 - Davis (150 minutes debate on Perfection)
- 10 HCS HB 1461, 1375, 1110 & 1103 - Ruestman (3 hours debate on Perfection)
- 11 HB 1065 - Tilley
- 12 HCS HB 1182 - Stevenson

- 13 HCS HB 1270 & 1027 - Behnen
- 14 HB 1071 - Phillips
- 15 HB 1865 - Bearden
- 16 HCS HB 1378, 1379, 1391 & 1541 - St. Onge
- 17 HCS HB 1397 - Pratt
- 18 HCS HB 1482 - Jackson
- 19 HB 1619 - Sutherland
- 20 HCS HB 1620 - Sutherland
- 21 HCS HB 1698, 1236, 995, 362 & 1290 - Lipke
- 22 HCS HB 1141 - Jackson
- 23 HCS HB 1045, 1152, 1267 & 1634 - Wells

HOUSE BILL FOR PERFECTION - INFORMAL

HCS HB 1783 & 1479 - Bearden

(3 hours debate on Perfection)

HOUSE BILLS FOR PERFECTION - CONSENT

(3/27/06)

- 1 HCS HB 1037 - Sander
- 2 HCS HB 1099 - Schaaf
- 3 HB 1144 - May
- 4 HCS HB 1149 - Bivins
- 5 HB 1477 - Schaaf
- 6 HB 1504 - Yates
- 7 HB 1577 - Pollock
- 8 HCS HB 1617 & 1374 - McGhee
- 9 HCS HB 1739 - Dusenberg
- 10 HCS HB 1762 - Wilson (119)
- 11 HB 1858 - Lipke
- 12 HB 1988 - Wagner

(3/28/06)

- 1 HCS HB 1053 - Jolly
- 2 HB 1088 - Schaaf
- 3 HCS HB 1135 - Nance
- 4 HCS HB 1382 & 1158 - Kraus
- 5 HB 1411 - Smith (150)
- 6 HB 1488 - Roorda
- 7 HCS HB 1511 - Lager
- 8 HB 1522 - Sander
- 9 HCS HB 1552 - Brown (50)
- 10 HB 1623 - St. Onge
- 11 HB 1653 - Walton
- 12 HCS HB 1679 - Johnson (90)

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- 13 HCS#2 HB 1703 - Yates
- 14 HB 1707 - Dusenberg
- 15 HCS HB 1710 - Robb
- 16 HCS HB 1711 - Robb
- 17 HCS HB 1746 - Day
- 18 HCS HB 1787 - Jackson
- 19 HB 1936 - Tilley

HOUSE CONCURRENT RESOLUTION FOR THIRD READING

HCR 4 (3-02-06, Pages 383-384) - Bruns

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1145,1359 & 1121 - Portwood
- 2 HCS HB 1275 - Baker (123)
- 3 HB 1521 - Richard
- 4 HCS HB 1532 (Fiscal Review 3-29-06) - Lembke
- 5 HCS HB 1380 - St. Onge
- 6 HCS HB 1026, E.C. - Rucker
- 7 HB 1302 - Cooper (155)
- 8 HCS HB 1349 (Fiscal Review 3-29-06) - Loehner
- 9 HCS HB 1317 - Lipke
- 10 HCS HB 1030, 1033, 1146, 1225 & 1326, E.C. - Johnson (47)

HOUSE BILL FOR THIRD READING - FEDERAL MANDATE

HB 1466 - Daus

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 977 - Whorton
- 2 HCS HB 1059 - Cunningham (86)
- 3 HB 1192 - Smith (118)
- 4 HCS HB 1244 - Ruestman
- 5 HCS HB 1256 - Haywood
- 6 HCS HB 1440 - Sutherland
- 7 HB 1446 - Whorton
- 8 HCS HB 1449 - Wright (159)
- 9 HB 1494 - Emery
- 10 HCS HB 1508 - Bruns
- 11 HB 1509 - Bruns
- 12 HCS HB 1515 - Behnen

- 13 HCS HB 1551 - Tilley
- 14 HB 1715 - Pratt
- 15 HCS HB 1759 - Wasson
- 16 HB 1833 - Wood
- 17 HB 1857 - Lipke

HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL

HCS HB 1100 - Schaaf

SENATE BILLS FOR SECOND READING

- 1 SCS SB 568
- 2 SB 822
- 3 SCS SB 925
- 4 SB 1017
- 5 SB 1057
- 6 SCS SB 1086
- 7 SB 1094
- 8 SB 1101
- 9 SCS SB 1117
- 10 SCS SB 1122
- 11 SB 1130
- 12 SB 1155
- 13 SCS SB 1175
- 14 SB 1177
- 15 SB 1197
- 16 SB 1206
- 17 SB 1207
- 18 SB 1216

HOUSE CONCURRENT RESOLUTION

HCR 25 (3-13-06, Pages 514-515) - Bowman

HOUSE CONCURRENT RESOLUTION - INFORMAL

HCR 13 (2-15-06, Pages 255-256) - Sater

SENATE CONCURRENT RESOLUTION

SCR 30, HCA 1 (3-16-06, Pages 632-633) - Self