

JOURNAL OF THE HOUSE

Second Regular Session, 93rd GENERAL ASSEMBLY

SEVENTY-FIRST DAY, WEDNESDAY, MAY 10, 2006

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend James Earl Jackson.

O LORD, You are God; we exalt You, we praise Your name, for You have done wonderful things, even Your purposes planned of old [and fulfilled] in faithfulness and truth.

Lord, You have granted us peace, for all the good we have accomplished is really from You. We trust that the decisions made this year have been more beneficial than regrettable and as we finish the tasks at hand, we continue to look to You for good judgment and understanding.

We are thankful, to have served this year and look to the days ahead with encouragement and expectation. Our appointed seasons are in Your hand and we trust You.

We finish our work this week with dignity, joy, and a sense of satisfaction of a job well done.

Now, may You, who gives us patience and encouragement, help us live in complete harmony with each other – each with the proper attitude toward one another.

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: Robert Naylor and Taylor Lee.

The Journal of the seventieth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3383

and

- House Resolution No. 3384 - Representative Whorton
- House Resolution No. 3385 - Representative Fares
- House Resolution No. 3386 - Representative Pearce
- House Resolution No. 3387 - Representative Oxford
- House Resolution No. 3388 - Representative Rector
- House Resolution No. 3389 - Representative Cooper (155)
- House Resolution No. 3390 - Representative McGhee

- House Resolution No. 3391 - Representative Parker
 House Resolution No. 3392
 through
 House Resolution No. 3395 - Representative Aull
 House Resolution No. 3396
 and
 House Resolution No. 3397 - Representative Kingery
 House Resolution No. 3398 - Representative Schaaf
 House Resolution No. 3399 - Representative Curls, et al.
 House Resolution No. 3400
 and
 House Resolution No. 3401 - Representative Cooper (155)
 House Resolution No. 3402
 through
 House Resolution No. 3405 - Representative Guest
 House Resolution No. 3406 - Representative Muschany
 House Resolution No. 3407 - Representative Cooper (120)
 House Resolution No. 3408
 and
 House Resolution No. 3409 - Representative Cunningham (86)

SPECIAL RECOGNITION

Former United States Attorney General John Ashcroft was introduced by Speaker Jetton and addressed the House.

THIRD READING OF SENATE BILLS

SB 822, relating to a health care provider tax, was taken up by Representative Icet.

On motion of Representative Icet, **SB 822** was truly agreed to and finally passed by the following vote:

AYES: 151

Aull	Avery	Baker 123	Bearden	Behnen
Bivins	Black	Bland	Bogetto	Boykins
Bringer	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	Guest	Harris 23	Harris 110
Haywood	Henke	Hobbs	Hoskins	Hubbard
Hughes	Hunter	Icet	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	Marsh	May
McGhee	Meadows	Meiners	Moore	Munzlinger
Myers	Nance	Nieves	Nolte	Oxford
Page	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Robinson	Roorda
Ruestman	Salva	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schneider	Schoemehl
Self	Shoemyer	Silvey	Skaggs	Smith 14
Smith 118	Smith 150	Stevenson	St. Onge	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Vogt	Wagner	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton	Wildberger
Wilson 119	Witte	Wood	Wright 137	Wright 159
Wright-Jones	Yaeger	Yates	Young	Zweifel
Mr Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker 25	Bean	Bowman	Brooks	Brown 30
George	Muschany	Rucker	Spreng	Storch
Wilson 130				

VACANCIES: 001

Speaker Jetton declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 152

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Boykins	Bringer	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	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hughes	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	Marsh
May	McGhee	Meadows	Meiners	Moore
Munzlinger	Myers	Nance	Nieves	Nolte
Oxford	Page	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Robinson
Roorda	Rucker	Ruestman	Salva	Sander

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Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 14	Smith 118	Smith 150	Stevenson
St. Onge	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Witte	Wood
Wright 137	Wright 159	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Bean	Bowman	Brooks	Brown 30	George
Muschany	Spreng	Storch	Wilson 130	Wright-Jones

VACANCIES: 001

HCS SB 1124, as amended, with House Amendment No. 10, pending, relating to professional registration, was taken up by Representative Behnen.

Representative Richard assumed the Chair.

On motion of Representative Stevenson, **House Amendment No. 10** was adopted by the following vote:

AYES: 102

Aull	Baker 25	Baker 123	Bearden	Bivins
Bogetto	Boykins	Bringer	Brown 50	Casey
Chappelle-Nadal	Cooper 120	Cooper 158	Cunningham 145	Curls
Dake	Darrough	Davis	Day	Deeken
Dempsey	Dethrow	Dixon	Dougherty	El-Amin
Emery	Faith	Fares	Fisher	Frame
Franz	Guest	Harris 110	Henke	Hobbs
Hubbard	Hunter	Icet	Jolly	Jones
Kelly	Kingery	Kratky	Kuessner	Lembke
LeVota	Loehner	Low 39	Lowe 44	May
McGhee	Meadows	Meiners	Moore	Munzlinger
Myers	Nance	Nieves	Nolte	Oxford
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Quinn	Rector	Richard	Roark
Robb	Roorda	Ruestman	Salva	Sander
Sater	Schad	Scharnhorst	Schoemehl	Self
Shoemyer	Skaggs	Smith 14	Smith 118	Smith 150
Stevenson	St. Onge	Sutherland	Swinger	Tilley
Wagner	Wallace	Walsh	Wells	Weter
Whorton	Wilson 119	Witte	Wood	Wright 137
Wright-Jones	Mr Speaker			

NOES: 051

Avery	Behnen	Black	Bland	Brooks
Bruns	Burnett	Chinn	Cooper 155	Corcoran
Cunningham 86	Daus	Denison	Donnelly	Dusenberg
Ervin	Flook	Fraser	Harris 23	Haywood
Hoskins	Hughes	Johnson 47	Johnson 61	Johnson 90
Kraus	Lager	Lampe	Liese	Lipke
Marsh	Page	Pratt	Robinson	Rucker
Schaaf	Schlottach	Schneider	Silvey	Threlkeld
Viebrock	Villa	Vogt	Walton	Wasson
Wildberger	Wright 159	Yaeger	Yates	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 009

Bean	Bowman	Brown 30	George	Jackson
Muschany	Spreng	Storch	Wilson 130	

VACANCIES: 001

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

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 1124, Section 41.950, Page 4, Line 69, by inserting immediately after said line the following:

“71.620. 1. Hereafter no person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, **veterinarian**, dentist, chiropractor, optometrist, chiropodist, physician or surgeon in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and, after December 31, 2003, no investment funds service corporation, as defined in section 143.451, RSMo, may be required to pay, or shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on its business or occupation, in excess of or in an aggregate amount exceeding twenty-five thousand dollars annually, any law, ordinance or charter to the contrary notwithstanding.

2. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his or her profession by a municipality unless that person maintains a business office within that municipality.

3. Notwithstanding any other provision of law to the contrary, after September 1, 2004, no village with less than one thousand three hundred inhabitants shall impose a business license tax in excess of fifteen thousand dollars per license.”; and

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

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

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Guest	Hobbs
Hunter	Icet	Jackson	Johnson 47	Jones
Kelly	Kingery	Kraus	Lager	Lembke
Lipke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Ruestman	Sander
Sater	Schad	Scharnhorst	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Smith 150
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wood	Wright 137	Wright 159	Yates
Mr Speaker				

NOES: 058

Aull	Baker 25	Bland	Bogetto	Boykins
Bringer	Brooks	Brown 50	Burnett	Chappelle-Nadal
Corcoran	Curls	Dake	Darrrough	Daus
Donnelly	Dougherty	El-Amin	Fraser	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Schoemehl	Shoemyer
Skaggs	Swinger	Villa	Vogt	Wagner
Walsh	Walton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zweifel		

PRESENT: 004

Casey	Frame	Meadows	Whorton
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ABSENT WITH LEAVE: 009

Bean	Bowman	Brown 30	George	Muschany
Schaaf	Spreng	Storch	Wilson 130	

VACANCIES: 001

On motion of Representative Behnen, **HCS SB 1124, as amended**, was adopted.

On motion of Representative Behnen, **HCS SB 1124, as amended**, was read the third time and passed by the following vote:

AYES: 139

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

NOES: 014

Daus	El-Amin	Flook	Harris 23	Haywood
Hughes	Johnson 61	Johnson 90	LeVota	McGhee
Page	Schaaf	Walton	Young	

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 008

Bean	Bowman	Brown 30	George	Muschany
Spren	Storch	Wilson 130		

VACANCIES: 001

Representative Richard declared the bill passed.

HCS SS SCS SB 590, as amended, with House Amendment No. 2, pending, relating to higher education, was taken up by Representative Kingery.

Representative Cooper (158) offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1
to
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section 173.858, Line 5 of said amendment, by inserting immediately after the word “**state**” the following:

“, located in whole or in part in a city not within a county and having an enrollment of at least seven thousand full time equivalent students”; and

Further amend said amendment, Page 2, Section 173.858, Line 10 of said amendment, by inserting after immediately after all of said line the following:

“Amend said bill, Section 174.500, Page 16, Line 11, by inserting immediately after all of said line the following:

‘174.700. The board of regents or board of governors of any state college or university may appoint and employ as many college or university police officers as it may deem necessary to **enforce regulations established under section 174.709 and general motor vehicle laws of this state in accordance with section 174.712**, protect persons, property, and to preserve peace and good order only in the public buildings, properties, grounds, and other facilities and locations over which it has charge or control.

174.703. **1.** The college or university police officers, before they enter upon their duties, shall take and subscribe an oath of office before some officer authorized to administer oaths, to faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of the board, and the secretary of the board shall give each college police officer so appointed and qualified a certificate of appointment, under the seal of the board, which certificate shall empower him or her with the same authority to maintain order, preserve peace and make arrests as is now held by peace officers.

2. The college or university police officers shall have the authority to enforce the regulations established in section 174.709 and general motor vehicle laws in accordance with section 174.712 on the campus as proscribed in chapter 304, RSMo. The college or university police officer may in addition expel from the public buildings, campuses, and grounds, persons violating the rules and regulations that may be proscribed by the board or others under the authority of the board.

3. Such officer or employee of the state college or university as may be designated by the board shall have immediate charge, control and supervision of police officers appointed by authority of this section. Such college or university police officers shall have satisfactorily completed before appointment a training course for police officers as proscribed by chapter 590, RSMo, for state peace officers or, by virtue of previous experience or training, have met the requirements of chapter 590, RSMo, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board the right to appoint guards or watchmen who shall not be given the authority and powers authorized by sections 174.700 to [174.706] **174.712.**

174.709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the board of regents or board of governors of any state college or university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the state college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the state college or university shall have the authority to place official traffic control devices, as defined in section 300.010, RSMo, on campus property.

2. The regulations established by the board of regents or board of governors of any state college or university under subsection 1 of this section shall be codified, printed, and distributed for public use. Adequate signs displaying the speed limit shall be posted along such thoroughfares.

3. Violations of any regulation established under this section shall have the same effect as a violation of municipal ordinances adopted under section 304.120, RSMo, with penalty provisions as provided in section 304.570, RSMo. Points assessed against any person under section 302.302, RSMo, for a violation of this section shall be the same as provided for a violation of a county or municipal ordinance.

4. The provisions of this section shall apply only to moving violations.

174.712. All motor vehicles operated upon any thoroughfare owned or maintained by the state college or university and located within any of its campuses shall be subject to the provisions of the general motor vehicle laws of this state, including chapters 301, 302, 303, 304, 307, and 577, RSMo. Violations shall have the same effect as though such had occurred on public roads, streets, or highways of this state.' ”; and

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

Representative Johnson (90) raised a point of order that **House Amendment No. 1 to House Amendment No. 2** was not distributed and should be read.

The Chair ruled the point of order not well taken.

Representative Witte raised a point of order that the ruling of the Chair was in violation of Rule 9.

Representative Richard requested a parliamentary ruling.

The Parliamentary Committee ruled the first point of order well taken.

Speaker Jetton resumed the Chair.

On motion of Representative Cooper (158), **House Amendment No. 1 to House Amendment No. 2** was adopted by the following vote:

AYES: 134

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Boykins	Bruns	Casey	Chinn	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Dake	Daus	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Donnelly
Dusenberg	El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Frame	Franz
Fraser	Guest	Harris 23	Haywood	Hobbs
Hoskins	Hubbard	Ice	Jackson	Johnson 47
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Lowe 44
Marsh	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Page	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Robinson

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Roorda	Rucker	Ruestman	Salva	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 14	Smith 118	Smith 150	Stevenson
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Wallace	Walton	Wasson
Wells	Weter	Wildberger	Wilson 119	Witte
Wood	Wright 137	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zweifel	Mr Speaker	

NOES: 015

Bowman	Bringer	Brooks	Burnett	Chappelle-Nadal
Curls	Darrough	Dougherty	Harris 110	Henke
Hughes	Kuessner	Low 39	Oxford	Vogt

PRESENT: 002

Johnson 61	Whorton
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ABSENT WITH LEAVE: 011

Bean	Brown 30	Brown 50	George	Hunter
May	Spreng	St. Onge	Wagner	Walsh
Wilson 130				

VACANCIES: 001

Representative Johnson (90) offered **House Amendment No. 2 to House Amendment No. 2**.

House Amendment No. 2
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 590, by deleting the following:

“or within six months after appointment,”; and

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

On motion of Representative Johnson (90), **House Amendment No. 2 to House Amendment No. 2** was adopted.

On motion of Representative Hubbard, **House Amendment No. 2, as amended**, was adopted by the following vote:

AYES: 111

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Black	Bland	Bogetto
Bowman	Boykins	Brooks	Brown 50	Bruns
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Curls	Davis	Day	Deeken	Dempsey

Dixon	El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Guest	Harris 23
Haywood	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Icet	Jackson	Johnson 47	Johnson 61
Johnson 90	Kelly	Kingery	Kratky	Kraus
Lager	Lampe	Lembke	LeVota	Liese
Lipke	Lowe 44	Marsh	May	McGhee
Meiners	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Page	Parker	Pearce
Phillips	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robinson	Rucker	Ruestman
Sander	Sater	Schaaf	Scharnhorst	Schlottach
Schneider	Self	Silvey	Skaggs	Smith 14
Smith 118	Smith 150	Stevenson	St. Onge	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Walton	Wasson	Wells	Weter	Witte
Wright 137	Wright 159	Yates	Young	Zweifel
Mr Speaker				

NOES: 042

Bringer	Burnett	Casey	Chinn	Chappelle-Nadal
Corcoran	Dake	Darrough	Daus	Dethrow
Donnelly	Dusenberg	Frame	Franz	Fraser
Harris 110	Henke	Jolly	Jones	Kuessner
Loehner	Low 39	Moore	Oxford	Parson
Pollock	Robb	Roorda	Salva	Schad
Schoemehl	Shoemyer	Storch	Vogt	Wagner
Wallace	Walsh	Whorton	Wilson 119	Wood
Wright-Jones	Yaeger			

PRESENT: 001

Meadows

ABSENT WITH LEAVE: 008

Bean	Brown 30	Denison	Dougherty	George
Spreng	Wildberger	Wilson 130		

VACANCIES: 001

Representative Zweifel offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Line 4 of the Title, by inserting after the word “provisions” the following:

“; with an emergency clause for a certain section”; and

Further amend said bill, Page 12, Section 173.270, Line 51, by inserting after said line the following:

“173.450. Prior to any sale, transfer or liquidation of any asset, or agreement to sell, transfer, or liquidate any asset pursuant to a resolution adopted by the Missouri Higher Education Loan Authority on January 31, 2006, and readopted by the authority on March 10, 2006, the authority shall hire an independent firm to conduct an analysis of the financial and legal ramifications of the proposed sale. The financial analysis of the proposed

sale shall include an actuarial analysis along with individualized findings as to the effect the proposed sale will have on the authority itself and the effect such sale will have on loan interest rates for current and future student borrowers. The legal analysis shall include findings as to the effect of the proposed sale on the status and securitization of taxable and tax-exempt bonds issued by the authority, the impact of the proposed sale on the holders of such taxable and tax-exempt bonds, and the legality of the use of funds generated from the sale of tax-exempt bonds for purposes other than those for which the bonds were issued.”; and

Further amend said bill, Page 19, Section 2, Line 80, by inserting after all of said line the following:

“Section B. Because of the need to provide for timely review, the enactment of section 173.450 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 173.450 shall be in full force and effect upon its passage and approval.”; and

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

Representative Storch offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Line 10, by inserting after “**March 10, 2006,**” on said line the following:

“**or any similar resolution adopted by the authority**”; and

Further amend said amendment, Page 2, Line 1, by inserting after the word “**issued.**” on said line the following:

“**The analysis required by this section shall be a public record and shall be transmitted to the general assembly upon receipt by the authority.**”.

On motion of Representative Storch, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Zweifel, **House Amendment No. 3, as amended,** was adopted.

Representative Schneider offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section A, Line 4, by inserting after all of said line the following:

"160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. **Within the limits established in subsection 8 of this section**, the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or **any public or private** vocational or technical school for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of said board.

7. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

8. For private vocational or technical schools to obtain reimbursements under subsection 6 of this section the following requirements must be satisfied:

(1) Such institutions shall both be members of the north central association and be accredited by the higher learning commission as of July 1, 2006, and maintain such accreditation;

(2) Such institutions shall be designated as 501(c)(3) nonprofit organizations under the Internal Revenue Code of 1986, as amended;

(3) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such community college; and

(4) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment of the United States Constitution."; and

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

Representative Darrough raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

HCS SS SCS SB 590, as amended, with House Amendment No. 4, pending, was laid over.

On motion of Representative Dempsey, the House recessed until 2:15 p.m.

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3410

and

House Resolution No. 3411 - Representative Lipke

House Resolution No. 3412

and

House Resolution No. 3413 - Representative Guest

House Resolution No. 3414 - Representative Threlkeld

House Resolution No. 3415 - Representative Davis

House Resolution No. 3416 - Representative Myers

House Resolution No. 3417

through

House Resolution No. 3459 - Representative Cooper (158)

House Resolution No. 3460 - Representative Jolly

THIRD READING OF SENATE BILLS

HCS SB 1023, relating to DNA profiling partnership, was taken up by Representative Johnson (61).

Representative Lipke offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 1023, Section 650.058, Page 8, Line 61, by inserting immediately after the word “**by**” the following:

“**reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in**”; and

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

On motion of Representative Lipke, **House Amendment No. 1** was adopted.

On motion of Representative Johnson (61), **HCS SB 1023, as amended**, was adopted.

On motion of Representative Johnson (61), **HCS SB 1023, as amended**, was read the third time and passed by the following vote:

AYES: 153

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
Guest	Harris 23	Harris 110	Haywood	Henke
Hobbs	Hoskins	Hubbard	Hughes	Icet
Jackson	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke	LeVota
Liese	Lipke	Low 39	Lowe 44	Marsh
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	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Schoemehl	Self	Shoemyer
Silvey	Skaggs	Smith 14	Smith 118	Smith 150
Stevenson	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Wallace
Walsh	Walton	Wasson	Wells	Weter

Whorton	Wildberger	Wilson 119	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Bean	Brown 30	George	Hunter	Loehner
Spreng	Vogt	Wagner	Wilson 130	

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

HCS SB 1103, as amended, relating to health insurance coverage, was taken up by Representative Cooper (120).

Representative Ervin offered **House Amendment No. 3**.

Representative Darrough raised a point of order that **House Amendment No. 3** is not germane to the bill.

The Chair ruled the point of order well taken.

Representative Cooper (120) offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 1103, Page 3, Section 1, Line 8, by inserting immediately after said line the following:

“Section 2. 1. The rate of payment included in a contract between a health care provider and a health maintenance organization which was entered into prior to August 23, 2006, shall not apply to enrollees who purchase coverage from a health maintenance organization effective on or after August 28, 2006, if;

(a) the coverage has an enrollee deductible and coinsurance obligation that is higher than was authorized by law immediately prior to August 28, 2006; and

(b) the contract between the health care provider and the health maintenance organization or network that contracts on behalf of the of the health maintenance organization, if for a fixed term which extends past eighteen months after the health maintenance organization first provides the coverage with the higher enrollee deductible and coinsurance obligation.

2. In such case, the rates of payment for such employees shall be determined by renegotiation between the health care provider and the health maintenance organization, or network that contracts on behalf of the health maintenance organization.

3. The provisions of this section shall expire July 1, 2008.”; and

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

Representative Jetton offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

House Substitute Amendment No. 1
for
House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 1103, Page 3, Section 1, Line 8, by inserting immediately after said line the following:

“Section 2. 1. The rate of payment included in an agreement between a health care provider and a health maintenance organization which was entered into prior to August 28, 2006, shall not apply to enrollees who purchase or obtain coverage from a health maintenance organization effective on or after August 28, 2006, if;

(a) the coverage has an enrollee deductible and coinsurance obligation that is higher than was authorized by law immediately prior to August 28, 2006; and

(b) the contract between the health care provider and the health maintenance organization or network that contracts on behalf of the of the health maintenance organization, if for a fixed term which extends past eighteen months after the health maintenance organization first provides the coverage with the higher enrollee deductible and coinsurance obligation.

2. In such case, the rates of payment for such employees shall be determined by renegotiation between the health care provider and the health maintenance organization, or network that contracts on behalf of the health maintenance organization.

3. The provisions of this section shall expire August 1, 2008.”; and

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

On motion of Representative Jetton, **House Substitute Amendment No. 1 for House Amendment No. 4** was adopted.

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

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

The Chair ruled the point of order well taken.

Representative Johnson (47) offered **House Amendment No. 6**.

Representative Cooper (120) raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 093

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Guest	Hobbs

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Hunter	Icet	Jackson	Johnson 47	Jones
Kelly	Kingery	Kraus	Lager	Lembke
Lipke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Ruestman
Sander	Sater	Schaaf	Schad	Scharnhorst
Schlottach	Schneider	Self	Silvey	Smith 14
Smith 118	Smith 150	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 061

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	El-Amin	Frame	Fraser	George
Harris 23	Harris 110	Haywood	Henke	Hoskins
Hubbard	Hughes	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Schoemehl	Shoemyer	Skaggs	Storch	Swinger
Villa	Vogt	Wagner	Walsh	Walton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zweifel				

PRESENT: 004

Casey	Dake	Dougherty	Whorton
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ABSENT WITH LEAVE: 004

Bean	Brown 30	Spreng	Wilson 130
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VACANCIES: 001

On motion of Representative Cooper (120), **HCS SB 1103, as amended**, was adopted by the following vote:

AYES: 153

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	Henke
Hobbs	Hoskins	Hubbard	Hunter	Icet

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
Marsh	May	McGhee	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Oxford	Page	Parker	Parson
Pearce	Phillips	Pollock	Pratt	Quinn
Rector	Richard	Roark	Robb	Robinson
Roorda	Rucker	Ruestman	Salva	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 14	Smith 118	Smith 150	Stevenson
St. Onge	Storch	Sutherland	Swinger	Threlkeld
Tilley	Viebrock	Villa	Vogt	Wagner
Wallace	Walsh	Walton	Wasson	Wells
Weter	Whorton	Wildberger	Wilson 119	Witte
Wood	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 003

Hughes	Portwood	Wright 137
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PRESENT: 000

ABSENT WITH LEAVE: 006

Bean	Brown 30	Haywood	Meadows	Spreng
Wilson 130				

VACANCIES: 001

Representative Cooper (120) moved that **HCS SB 1103, as amended**, be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 055

Baker 123	Bearden	Bivins	Cooper 120	Cooper 155
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Emery
Ervin	Faith	Fisher	Franz	Hoskins
Hubbard	Hunter	Ice	Jones	Kelly
Liese	Lipke	Loehner	Marsh	Munzlinger
Muschany	Myers	Parson	Pollock	Quinn
Rector	Richard	Roark	Ruestman	Sander
Sater	Schaaf	Schad	Schlottach	Self
Smith 14	Smith 150	Stevenson	St. Onge	Sutherland
Tilley	Wallace	Wasson	Wells	Mr Speaker

NOES: 101

Aull	Avery	Baker 25	Behnen	Black
Bland	Bogetto	Bowman	Boykins	Bringer

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Brooks	Brown 50	Bruns	Burnett	Casey
Chinn	Chappelle-Nadal	Cooper 158	Corcoran	Curls
Dake	Darrough	Daus	Denison	Donnelly
Dusenberg	El-Amin	Fares	Flook	Frame
Fraser	George	Guest	Harris 23	Harris 110
Haywood	Henke	Hobbs	Hughes	Jackson
Johnson 47	Johnson 61	Johnson 90	Jolly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Low 39	Lowe 44	May
McGhee	Meadows	Meiners	Moore	Nance
Nolte	Oxford	Page	Parker	Pearce
Phillips	Portwood	Pratt	Robb	Robinson
Roorda	Rucker	Salva	Scharnhorst	Schneider
Schoemehl	Shoemyer	Silvey	Skaggs	Smith 118
Storch	Swinger	Threlkeld	Viebrock	Villa
Vogt	Wagner	Walsh	Walton	Weter
Whorton	Wildberger	Witte	Wood	Wright 137
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zweifel				

PRESENT: 001

Wilson 119

ABSENT WITH LEAVE: 005

Bean	Brown 30	Nieves	Spreng	Wilson 130
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VACANCIES: 001

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 **HCR 12**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 1168**, entitled:

An act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

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 **SS#2 HB 1320**, entitled:

An act to repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

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 HCS HB 1367**, entitled:

An act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1367, Page 1, Section 34.165, Lines 8-9, by striking all of the underlined words on said lines and inserting in lieu thereof the following:

“, if the participating nonprofit organization provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars.”.

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 HCS HB 1380**, entitled:

An act to amend chapter 227, RSMo, by adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

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 refuses to recede from its position on **SS#2 SCS HCS HB 1456, as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS#2 SCS HCS HB 1456, as amended**: Senators Ridgeway, Koster, Crowell, Barnitz and Coleman.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 1900**, entitled:

An act to repeal sections 105.470, 105.473, 105.485, 105.487, 105.957, 105.959, 105.963, 130.011, 130.016, 130.032, 130.046, 130.050, and 130.054, RSMo, and to enact in lieu thereof sixteen new sections relating to ethics, with an effective date.

With Senate Substitute Amendment No.1 for Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 1 to Senate Amendment No. 4, Senate Amendment No. 4, as amended, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended and Senate Amendment No. 10.

*Senate Substitute Amendment No. 1
for
Senate Amendment No. 2*

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24, by inserting after all of said line the following:

"Section 1. The ethics commission shall study methods to improve the regulation of persons and organizations that conduct or utilize political telephone solicitations. The commission shall issue a report containing recommendations to the general assembly no later than January 1, 2007."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 56, Section 130.046, Line 10, by adding after the word "quarter" the following:

"Except that the April quarterly report shall be deemed timely filed on or before the twenty-second day".

*Senate Amendment No. 1
to
Senate Amendment No. 4*

AMEND Senate Amendment No. 4 to Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 2, Section 115.342, Line 9, by inserting immediately after the word "state" the following:

", or the official who accepted such candidate's declaration of candidacy,".

Senate Amendment No. 4

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1900, Pages 31-33, Section 115.342, by striking all of said section from the bill and inserting in lieu thereof the following:

"115.342. 1. Any person who files as a candidate for election to an office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any local or state taxes, including but not limited to income taxes, personal property taxes, or any business taxes for a business in which the person has a majority interest or is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349, RSMo. Such affidavit shall be in substantially the following form:

"AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any local or state taxes, other than those taxes which may be in dispute.

..... Candidate's Signature
..... Printed Name of Candidate."

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any local or state taxes, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refileing for an entire election cycle even if the individual pays all outstanding taxes."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 1
to
Senate Amendment No. 5

AMEND Senate Amendment No. 5 to Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 2, Section 105.456, Line 3, by striking the word "primary" and inserting in lieu thereof the following:

"exclusive".

Senate Amendment No. 5

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

"105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof;

(4) Be under contract to or be an employee of a firm whose primary mission is to influence the decisions of the general assembly, any state agency, or any political subdivision.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after

public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 59, Section 130.046, Line 2, by striking the word "aggregate"; and

Further amend said page and line, by striking the following "five hundred" and inserting in lieu thereof the following:

"two hundred fifty".

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 refuses to concur in **HCS SS SCS SB 894, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has re-appointed the following Conference Committee to act with a like Committee from the House on **HCS SS#2 SCS SBs 1014 & 730, as amended**: Senators Scott, Gibbons, Vogel, Coleman and Callahan.

Speaker Jetton resumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

SS#2 SCS HCS HB 1456: Representatives Roark, Hunter, Day, Burnett and Walsh

HCS SS SB 696: Representatives Flook, Richard, Pearce, Bowman and Kratky

Speaker Pro Tem Bearden resumed the Chair.

THIRD READING OF SENATE BILLS

HCS SS SCS SB 904, relating to management of state buildings, was taken up by Representative Lembke.

Representative Lembke offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 2, Section 8.010, Line 1, by inserting immediately before all of said section the following:

"8.007. 1. The commission shall:

- (1) Exercise general supervision of the administration of sections 8.001 to 8.007;
- (2) Evaluate and recommend courses of action on the restoration and preservation of the capitol, the preservation of historical significance of the capitol and the history of the capitol;
- (3) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;
- (4) Advise, consult, and cooperate with the office of administration, the archives division of the office of the secretary of state, the historic preservation program within the department of natural resources, the division of tourism within the department of economic development and the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;
- (5) Be authorized to cooperate or collaborate with other state agencies and not-for-profit organizations to publish books and manuals concerning the history of the capitol, its improvement or restoration;
- (6) Before each September first, recommend options to the governor on budget allocation for improvements or restoration of the capitol premises;
- (7) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to improvement and restoration of the state capitol it may deem advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007; [and]
- (8) Hold hearings, issue notices of hearings and take testimony as the commission deems necessary; **and**
- (9) **Assume the responsibilities of the capitol review commission and develop written policy that establishes guidelines for selection and placement of plaques, monuments, statues, pictures, and other articles in or on all buildings and grounds at the seat of government and make a determination after a review of all requests from entreating parties as to the installation of such articles.**

2. The "Second Capitol Commission Fund" is hereby created in the state treasury. Any moneys received from sources other than appropriation by the general assembly, including from private sources, gifts, donations and grants, shall be credited to the second capitol commission fund and shall be appropriated by the general assembly.

3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the second capitol commission fund shall not be transferred and placed to the credit of the general revenue fund.

4. The commission is authorized to accept all gifts, bequests and donations from any source whatsoever. The commission may also apply for and receive grants consistent with the purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used or expended upon appropriation in accordance with their terms or stipulations, and the gifts, bequests, donations or grants may be used or expended for the preservation, restoration and improved accessibility and for promoting the historical significance of the capitol.

5. The commission may copyright or obtain a trademark for any photograph, written work, art object or any product created of the capital or capital grounds. The commission may grant access, or use, of any such works to other organizations or individuals for a fee, or at its sole discretion, or waive all fees. All funds obtained through licensing fees shall be credited to the capital commission fund, in a manner similar to funds the commission receives as gifts, donations, and grants. The funds shall be used for repairs, refurbishing, or to create art, exhibits, decorations or other beautifications or adornments to the capital or its grounds."; and

Further amend said bill, Page 3, Section 8.420, Line 1, by inserting immediately before all of said section the following:

"8.250. 1. "Project" for the purposes of this [chapter] **section** means the labor or material necessary for the construction, renovation, or repair of improvements to real property so that the work, when complete, shall be ready for service for its intended purpose and shall require no other work to be a completed system or component.

2. All contracts for projects[, the cost of which exceeds twenty-five] **costing more than one hundred** thousand dollars[,] **that are** entered into by any officer or agency of this state or of any city containing five hundred thousand inhabitants or more shall be let to the lowest, responsive, responsible bidder or bidders after notice and publication of an advertisement for five days in a daily newspaper in the county where the work is located, or at least twice over a period of ten days or more in a newspaper in the county where the work is located, and in [two] **one** daily [newspapers] **newspaper** in the state which [do] **does** not have less than fifty thousand daily circulation, and by such other means as are determined to be most likely to reach potential bidders. **For all contracts for projects between ten thousand and one hundred thousand dollars, a minimum of three contractors will be solicited, with award being made to the lowest, responsive, responsible bidder or a previously bid standing contract may be utilized.**

3. The number of such public bids shall not be restricted or curtailed, but shall be open to all persons complying with the terms upon which the bids are requested or solicited unless debarred for cause. No contract shall be awarded

when the amount appropriated for same is not sufficient to complete the work ready for service.

4. Dividing a project into component labor or material allocations for the purpose of avoiding bidding or advertising provisions required by this section is specifically prohibited."; and

Further amend said bill, Page 3, Section 8.1000, Line 1, by deleting all of Subsection 1 and renumbering the rest of said section accordingly; and

Further amend said bill, Page 23, Section 701.450, Line 1, by inserting immediately before all of said section the following:

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

(1) "Contractor", a person or business entity who provides construction services under contract to a public entity. Contractor specifically does not include professional engineers, architects or land surveyors licensed pursuant to chapter 327, RSMo, those who provide environmental assessment services or those who design, create or otherwise provide works of art under a city's formally established program for the acquisition and installation of works of art and other aesthetic adornments to public buildings and property;

(2) "Public entity", any official, board, commission or agency of this state or any county, city, town, township, school, road district or other political subdivision of this state;

(3) "Public works", the erection, construction, alteration, repair or improvement of any building, road, street, public utility or other public facility owned by the public entity.

2. (1) It is hereby made the duty of all public entities in this state, in making contracts for public works[, the cost of which is] estimated to exceed twenty-five thousand dollars, to be performed for the public entity, to require every contractor for such work to furnish to the public entity, a bond with good and sufficient sureties, in an amount fixed by the public entity, and such bond, among other conditions, shall be conditioned for the payment of any and all materials, incorporated, consumed or used in connection with the construction of such work, and all insurance premiums, both for compensation, and for all other kinds of insurance, said work, and for all labor performed in such work whether by subcontractor or otherwise.

(2) The office of administration of the state of Missouri may waive the requirement for bonding established in subdivision (1) of this subsection for contracts that do not exceed one hundred thousand dollars.

3. All bonds executed and furnished under the provisions of this section shall be deemed to contain the requirements and conditions as herein set out, regardless of whether the same be set forth in said bond, or of any terms or provisions of said bond to the contrary notwithstanding.

4. Nothing in this section shall be construed to require a member of the school board of any public school district of this state to independently confirm the existence or solvency of any bonding company if a contractor represents to the member that the bonding company is solvent and that the representations made in the purported bond are true and correct. This subsection shall not relieve from any liability any school board member who has any actual knowledge of the insolvency of any bonding company, or any school board member who does not act in good faith in complying with the provisions of subsection 2 of this section.

5. A public entity may defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, against any claim or demand, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of a duty under this section. The provisions of this subsection do not apply in case of malfeasance in office or willful or wanton neglect of duty."; and

Further amend said bill, Page 23, Section 701.450, Line 1, by inserting immediately before all of said section the following:

"610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the

amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids [and related documents], until the bids are opened; **all related documents, until the intent to award notice has been mailed**; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an

infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, 2008;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; and

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body."; and

Further amend the title and enacting clause accordingly

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

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 8, Section 107.170, Line 6, by inserting:

“6. Any assets or funds from the proceeds, fees or revenues, however such assets or funds were acquired, of the higher education loan authority established pursuant to section 173.360, RSMo, that are transferred to or used by the state or any department, division, agency or board of the state, shall not be used in connection with any activity prohibited by section 196.1127, RSMo.”; and

Further amend the title, enacting clause and intersection references of said bill accordingly.

Representative Flook raised a point of order that **House Amendment No. 1 to House Amendment No. 1** goes beyond the scope of the underlying amendment.

The Chair ruled the point of order not well taken.

On motion of Representative Harris (110), **House Amendment No. 1 to House Amendment No. 1** was adopted by the following vote:

AYES: 105

Baker 123	Bearden	Behnen	Bivins	Black
Bringer	Brown 50	Bruns	Casey	Chinn
Cooper 155	Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Dake	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fisher	Franz	George
Harris 110	Henke	Hobbs	Ice	Jackson
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lembke	Liese	Lipke
Loehner	Marsh	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Roark	Robinson	Roorda	Rucker	Ruestman
Salva	Sander	Sater	Schad	Scharnhorst
Schlottach	Schneider	Schoemehl	Self	Shoemyer
Silvey	Smith 14	Smith 118	Smith 150	Stevenson
St. Onge	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Wagner	Wallace	Walsh
Wasson	Wells	Weter	Wilson 119	Wood
Wright 137	Wright 159	Yaeger	Yates	Mr Speaker

NOES: 051

Aull	Avery	Baker 25	Bland	Bogetto
Bowman	Boykins	Brooks	Burnett	Chappelle-Nadal
Cooper 120	Curls	Daus	Donnelly	El-Amin
Fares	Flook	Frame	Fraser	Guest
Harris 23	Haywood	Hoskins	Hubbard	Hughes
Hunter	Johnson 47	Johnson 61	Johnson 90	Jolly
Lampe	LeVota	Low 39	Lowe 44	May
McGhee	Oxford	Page	Richard	Robb
Schaaf	Skaggs	Storch	Vogt	Walton
Whorton	Wildberger	Witte	Wright-Jones	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 006

Bean	Brown 30	Darrough	Dougherty	Spreng
Wilson 130				

VACANCIES: 001

On motion of Representative Lembke, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 130

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

NOES: 025

Baker 25	Bland	Bogetto	Bowman	Chappelle-Nadal
Curls	Darrough	Daus	Frame	Fraser
Harris 23	Hughes	Johnson 61	Johnson 90	Jolly
LeVota	Low 39	Oxford	Page	Skaggs
Storch	Vogt	Walton	Whorton	Wright-Jones

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 006

Bean	Brown 30	Dougherty	Spreng	Wasson
Wilson 130				

VACANCIES: 001

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 1, Line 3 of the Title, by inserting after the word “provisions” the following:

“and an emergency clause for a certain section”; and

Further amend said bill, Page 14, Section 1, Line 6, by inserting after all of said line the following:

“Section 2. Prior to any sale, transfer or liquidation of any asset, or agreement to sell, transfer, or liquidate any asset pursuant to a resolution adopted by the Missouri Higher Education Loan Authority on January 31, 2006, and readopted by the authority on March 10, 2006, the authority shall hire an independent firm to conduct an analysis of the financial and legal ramifications of the proposed sale. The financial analysis of the proposed sale shall include an actuarial analysis along with individualized findings as to the effect the proposed sale will have on the authority itself and the effect such sale will have on loan interest rates for current and future student borrowers. The legal analysis shall include findings as to the effect of the proposed sale on the status and securitization of taxable and tax-exempt bonds issued by the authority, the impact of the proposed sale on the holders of such taxable and tax-exempt bonds, and the legality of the use of funds generated from the sale of tax-exempt bonds for purposes other than those for which the bonds were issued.”; and

Further amend said bill, Page 14, Section 2, by inserting after all of said section the following:

“Section B. Because of the need to provide for timely review, the enactment of section 2 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 2 shall be in full force and effect upon its passage and approval.”; and

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

Representative Storch offered **House Amendment No. 1 to House Amendment No. 2.**

*House Amendment No. 1
to
House Amendment No. 2*

AMEND House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 1, Line 9, by inserting after “**March 10, 2006**”, on said line, the following:

“or any similar resolution adopted by the authority”; and

Further amend said amendment, Page 1, Line 18, by inserting after the word “**issued**”, on said line the following:

“The analysis required by this section shall be a public record and shall be transmitted to the general assembly upon receipt by the authority.”

On motion of Representative Storch, **House Amendment No. 1 to House Amendment No. 2** was adopted.

On motion of Representative Zweifel, **House Amendment No. 2, as amended**, was adopted.

Representative Hunter offered **House Amendment No. 3.**

Representative Darrough raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Behnen assumed the Chair.

House Amendment No. 3 was withdrawn.

Representative Yates offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Pages 13-14, Section 701.450.4(1), Lines 1-6, by deleting all of said lines.

Representative Walsh offered **House Amendment No. 1 to House Amendment No. 4**.

House Amendment No. 1 to House Amendment No. 4 was withdrawn.

On motion of Representative Yates, **House Amendment No. 4** was adopted.

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 14, Section 1, Line 6, by inserting after all of said line the following:

"Section 1. 1. Every contractor or other employer working on a public works project in this state shall require each newly hired independent contractor to fill out a federal W-9 form. Copies of the forms shall be forwarded to the department of revenue within thirty days from the hiring of each independent contractor.

2. Any contractor or other employer working on a public works project in this state shall not, in an attempt to avoid tax liability or reporting requirements for any employee, avoid payments to the unemployment compensation fund under chapter 288, RSMo, or avoid payments to the second injury fund under chapter 287, RSMo, denote or treat such employee as an independent contractor, contract labor, or any other term or category implying the absence of an employment relationship.

3. Any interested party, including a bidder, contractor, subcontractor or any person employed on a public works project, or the department of revenue may, upon reasonable suspicion that any contractor or subcontractor is currently or has misclassified employees as independent contractors, file a complaint with the labor and industrial relations commission alleging a violation of this section.

4. Upon receiving such a complaint, the labor and industrial relations commission shall investigate each claim for a determination of a violation of this section. In determining whether there was a violation of this section, the commission shall compel each contractor or subcontractor to provide records documenting each independent contractor's job title, a description of the work performed on the project and the number of hours the individual in question has worked on the project. Within sixty days of receiving a complaint under this section, the commission shall conduct a hearing to determine a violation of this section. At the hearing, there shall be a rebuttable presumption that any independent contractor who has logged two thousand eighty hours on the project has been misclassified as an independent contractor. This presumption may be rebutted if the employer establishes by a preponderance of the evidence that the independent contractor in question was properly classified. The commission shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents. Subpoenas

may be signed by any member of the commission. In case of failure to obey a subpoena, and upon application by the commission, any judge of a court of competent jurisdiction of the state in which the commission is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt.

5. Either party may appeal the commission's finding to the circuit court of Cole County.

6. Any such contractor or other employer who misclassifies an employee as an independent contractor or otherwise misclassifies the employee's employment status shall be fined an amount equal to twice the amount of tax otherwise due on the employee's taxable wages, payments otherwise due to the unemployment compensation fund under chapter 288, RSMo, and payments otherwise due to the second injury fund under chapter 287, RSMo, to be paid to the department of labor.

7. No such contractor or other employer shall terminate or in any manner discriminate against an employee because the employee has communicated to the employer the intent to seek reclassification as an employee instead of an independent contractor or has communicated the intent to file an action alleging a violation of this section.

8. The director of revenue is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, taking all actions necessary to collect the fines and taxes due under this section. The director of revenue shall direct to the unemployment compensation fund and to the second injury fund amounts that are collected for payments due to those funds."; and

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

On motion of Representative Walsh, **House Amendment No. 5** was adopted.

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

Speaker Pro Tem Bearden resumed the Chair.

Representative Flook raised a point of order that **House Amendment No. 6** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative George offered **House Amendment No. 7**.

Representative Flook raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

On motion of Representative Lembke, **HCS SS SCS SB 904, as amended**, was adopted.

On motion of Representative Lembke, **HCS SS SCS SB 904, as amended**, was read the third time and passed by the following vote:

AYES: 146

Aull	Avery	Baker 123	Bearden	Behnen
Bivins	Black	Bland	Bogetto	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	Fisher	Flook	Frame
Franz	Fraser	George	Guest	Harris 110
Haywood	Henke	Hobbs	Hoskins	Hubbard
Hunter	Iceet	Jackson	Johnson 47	Johnson 61
Johnson 90	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Marsh	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Nance	Nieves
Nolte	Page	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Robinson
Roorda	Rucker	Ruestman	Salva	Sander
Sater	Schaaf	Schad	Scharnhorst	Schlottach
Schneider	Schoemehl	Self	Shoemyer	Silvey
Smith 14	Smith 118	Smith 150	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Wagner	Wallace	Walsh
Walton	Wells	Weter	Whorton	Wildberger
Wilson 119	Witte	Wood	Wright 137	Wright 159
Wright-Jones	Yaeger	Yates	Young	Zweifel
Mr Speaker				

NOES: 007

Baker 25	Bowman	Harris 23	Hughes	Oxford
Skaggs	Vogt			

PRESENT: 002

Jolly	Lowe 44
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ABSENT WITH LEAVE: 007

Bean	Brown 30	Fares	Myers	Spreng
Wasson	Wilson 130			

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

COMMITTEE REPORTS

Committee on Professional Registration and Licensing, Chairman Behnen reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SCS SB 1032**, 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.

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HR 2019**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE RESOLUTION NO. 2019

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the 21st Century Leadership Academy is a week long residential leadership training program for Missouri college women designed to stimulate interest in public policy formation and teach women the skills necessary to succeed in this arena; and

WHEREAS, this training program includes a trip to the State Capitol to hold a mock legislative debate and meet with legislators and officials; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the House Chamber for the purpose of their governmental and citizenship programs:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, Ninety-third General Assembly, hereby grant the 21st Century Leadership Academy permission to use the House Chamber for the purpose of holding the Sue Shear Institute for Women in Public Life leadership day mock legislative session from 10:00 a.m. to Noon on Wednesday, May 24, 2006.

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 29**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SJR 26**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SBs 567 & 792**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 895**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SBs 905 & 910**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 961**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 1041**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 1107**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SBs 1210, 1244 & 844**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 1250**, begs leave to report it has examined the same and recommends that it **Do Pass**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SCS SBs 567 & 792 - Fiscal Review (Fiscal Note)

HCS SCS SBs 1185, 1163, 1174, 1200 & 1225 - Fiscal Review (Fiscal Note)

SUPPLEMENTAL CALENDAR

MAY 10, 2006

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SBs 567 & 792, (Fiscal Review 5-10-06) - Schaaf
- 2 HCS SS SCS SB 895 - Wilson (130)
- 3 HCS SCS SBs 1185, 1163, 1174, 1200 & 1225, E.C., (Fiscal Review 5-10-06) - Lipke

On motion of Representative Self, the House recessed until 7:00 p.m.

EVENING 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: Samantha Walker and Allison Thaller.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3461
through
House Resolution No. 3481 - Representative Cooper (158)
House Resolution No. 3482
and
House Resolution No. 3483 - Representative Bruns
House Resolution No. 3484
through
House Resolution No. 3487 - Representative Swinger
House Resolution No. 3488 - Representative Storch
House Resolution No. 3489 - Representative Davis
House Resolution No. 3490 - Representative Phillips
House Resolution No. 3491 - Representative Wallace

- House Resolution No. 3492 - Representative Cooper (120)
- House Resolution No. 3493 - Representative Pearce
- House Resolution No. 3494 - Representative Dixon, et al.
- House Resolution No. 3495 - Representatives Smith (14) and Parker
- House Resolution No. 3496 - Representative Yaeger
- House Resolution No. 3497 - Representative Smith (118)
- House Resolution No. 3498 - Representative Fares
- House Resolution No. 3499
through
- House Resolution No. 3502 - Representative Lampe
- House Resolution No. 3503 - Representative Swinger
- House Resolution No. 3504 - Representative McGhee

HOUSE BILL WITH SENATE AMENDMENTS

SS HCS HB 1900, as amended, relating to ethics, was taken up by Representative Dempsey.

Representative Dempsey moved that the House refuse to adopt **SS HCS HB 1900, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SB 805, relating to taxation, was taken up by Representative Smith (14).

Representative Smith (14) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 805, Section 67.1545, Page 5, Line 25, by inserting an open bracket "[" before "32.097"; and

Further amend said line, by inserting a closed bracket "]" immediately after "32.097"; and

Further amend said line, by inserting immediately after the word "section", the following "**32.087**"; and

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

On motion of Representative Smith (14), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 805, Section 67.1451, Page 4, Line 74, by inserting immediately after said line the following:

“67.1461. 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2) and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk cafe tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.”; and

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

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

Representative Nolte offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Bill No. 805, Page 1, Section A, Line 8, by inserting after all of said line the following:

"52.230. Each year the collectors of revenue in all counties of the first class not having a charter form of government, and in all second, third and fourth class counties of the state, not under township organization, shall mail to all resident taxpayers, at least [fifteen] **thirty** days prior to delinquent date, a statement of all real and tangible personal property taxes due and assessed on the current tax books in the name of the taxpayers. Such statement shall also include

the amount of real and tangible personal property taxes delinquent at the time of the mailing of the statement, including any interest and penalties associated with the delinquent taxes. Such statement shall declare upon its face, or by an attachment thereto, that they are delinquent at the time such statement is mailed for an amount of real or tangible personal property taxes, or both. Collectors shall also mail tax receipts for all the taxes received by mail."; and

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

On motion of Representative Nolte, **House Amendment No. 3** was adopted.

Representative Ruestman offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Line 14, 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 144.524, 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.

Representative Fares offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Bill No. 805, Page 5, Line 16, by inserting after all of said line the following:

“94.860. 1. The governing body of any municipalities located in whole or in part within any county with a charter form of government and with more than one million 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 municipality, which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of improving the public safety for such municipality, including but not limited to expenditures on equipment, municipal employee salaries and benefits, contractual payments for public safety services, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any other sales taxes allowed by law. No ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the municipality submits to the voters of the municipality, at a county or state general, primary, or special election, a proposal to authorize the governing body of the municipality to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality of (municipality's name) impose a sales tax of (insert amount) for the purpose of improving the public safety of the municipality?

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 submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If a proposal receives less than the required majority, then the governing body of the municipality shall have no power to impose the sales tax herein authorized unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon.

3. Within thirty days of the approval of a public safety sales tax pursuant to this section, the governing body shall choose one of the following options:

(1) OPTION 1. Eighty-five percent of the moneys generated within each municipality shall be retained in subaccount 1 of the trust fund created in subsection 4 of this section and shall be returned to that municipality as provided in subdivision (1) of subsection 4 of this section. Fifteen percent of the moneys generated within each municipality shall be retained in subaccount 2 of the trust fund created in, and allocated as provided in, subdivision (2) of subsection 4 of this section;

(2) OPTION 2. One hundred percent of the moneys generated within each municipality shall be retained in subaccount 2 of the trust fund created in, and allocated as provided in, subdivision (2) of subsection 4 of this section.

4. The moneys shall be retained in two separate subaccounts in the "Municipal Public Safety Sales Tax Fund" which is hereby created. Moneys in the fund shall be distributed to each municipality as follows:

(1) For municipalities choosing Option 1, eighty-five percent of the taxes collected within each municipality and retained in subaccount 1 of the trust fund shall be returned to each municipality;

(2) For municipalities choosing Option 2, the moneys retained in subaccount 2 of the trust fund shall be distributed to each municipality based on the percentage ratio that the population of that municipality bears to the total population of all of the municipalities choosing Option 2.

5. All revenue received by a municipality from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such municipality for so long as the tax shall remain in effect. 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 improving public safety for the municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds.

6. All sales taxes collected by the director of the department of revenue under this section on behalf of any municipality, 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 the special trust fund created in subsection 4 of this section. 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 director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the municipality 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 municipality which levied the tax, such funds shall be deposited with the treasurer of each such municipality, 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 municipality. 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.

7. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such municipalities. If any municipality abolishes the tax, the municipality 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 municipality, the director of the department of revenue shall remit the balance in the account to the municipality and close the account of that municipality. The director of the department of revenue shall notify each municipality of each instance of any amount refunded or any check redeemed from receipts due the municipality.

8. 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.”; and

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

Representative Pratt assumed the Chair.

Representative Fares moved that **House Amendment No. 1 to House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 043

Bogetto	Cooper 120	Cunningham 145	Day	Deeken
Denison	Dixon	Emery	Faith	Fares
Fisher	Flook	Hunter	Johnson 47	Kelly
Kingery	Lipke	McGhee	Muschany	Myers
Nance	Parson	Pearce	Phillips	Pollock

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Quinn	Rector	Richard	Robb	Ruestman
Schlottach	Stevenson	St. Onge	Tilley	Viebrock
Villa	Wallace	Walton	Wells	Weter
Wilson 119	Wood	Mr Speaker		

NOES: 111

Aull	Avery	Baker 25	Baker 123	Bearden
Behnen	Bivins	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Bruns	Burnett
Casey	Chinn	Chappelle-Nadal	Cooper 155	Cooper 158
Corcoran	Cunningham 86	Curls	Dake	Darrough
Daus	Davis	Dempsey	Dethrow	Donnelly
Dougherty	Dusenberg	El-Amin	Ervin	Frame
Franz	Fraser	George	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hughes	Icet	Jackson	Johnson 61
Johnson 90	Jolly	Jones	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke	LeVota
Liese	Loehner	Low 39	Lowe 44	May
Meadows	Meiners	Moore	Munzlinger	Nieves
Nolte	Oxford	Page	Parker	Portwood
Pratt	Robinson	Roorda	Rucker	Salva
Sander	Sater	Schaaf	Schad	Scharnhorst
Schneider	Schoemehl	Self	Shoemyer	Silvey
Skaggs	Smith 14	Smith 118	Smith 150	Storch
Sutherland	Swinger	Threlkeld	Vogt	Wagner
Walsh	Whorton	Wildberger	Witte	Wright 137
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 008

Bean	Black	Brown 30	Marsh	Roark
Spreng	Wasson	Wilson 130		

VACANCIES: 001

On motion of Representative Ruestman, **House Amendment No. 4** was adopted.

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Bill No. 805, Section 144.030, Page 23, Line 72, by inserting an open bracket "[" before the word, "solely"; and

Further amend said line, by inserting a closed bracket "]" immediately after the word, "solely"; and

Further amend said section, Page 23, Line 73, by inserting an open bracket "[" before the words, "in interstate commerce"; and

Further amend said line, by inserting a closed bracket "]" immediately after the words, "in interstate commerce"; and

Further amend said bill, Page 29, Section 144.054, Line 20, by inserting after said line the following:

“144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for:

(1) A county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or

(2) An organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or

(3) Any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or

(4) Any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030; or

(5) After June 30, 2007, the department of transportation or the state highways and transportation commission, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity. One half of the savings realized, by the department of transportation or the state highways and transportation commission, from being a tax-exempt entity shall be applied to the unfunded liability of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System and can not be used to supplant the actuarially required contribution payment.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

(1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;

(2) The project location, description, and unique identification number;

(3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;

(4) The estimated project completion date; and

(5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's

Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials.”; and

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

On motion of Representative Faith, **House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Bill No. 805, Page 2, Section 55.190, Line 13, by inserting after all of said line the following:

"67.997. 1. The governing body of any county of the third classification without a township form of government and with more than eighteen thousand one hundred but fewer than eighteen thousand two hundred inhabitants may impose, by order or ordinance, a sales tax on all retail sales made within the county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-fourth of one percent, and shall be imposed solely for the purpose of funding senior services and youth programs provided by the county. One-half of all revenue collected under this section shall be used solely to fund any service or activity deemed necessary by the senior service tax commission established in this section, and one-half of all revenue collected under this section shall be used solely to fund all youth programs administered by an existing county community task force. 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 county submits to the voters residing within the county at a state general, primary, or special election a proposal to authorize the governing body of the county 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 county) impose a sales tax at a rate of (insert rate of percent) percent, with half of the revenue from the tax to be used solely to fund senior services provided by the county and half of the revenue from the tax to be used solely to fund youth programs provided by the county?

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 the approval of the tax or notification to the department of revenue if such tax will be administered by 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. On or after the effective date of any tax authorized under this section, the county which imposed the tax may adopt one of the two following provisions for the collection and administration of the tax:

(1) The county may adopt rules for the internal collection of such tax by the county officers usually responsible for collection and administration of county taxes; or

(2) The county may enter into an agreement with the director of the department of revenue for the purpose of collecting the tax authorized in this section. In the event the county enters into an agreement with the director of revenue for the collection of the tax, 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. All revenue collected under this section by the director of the department of revenue on behalf of any county, 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 "Senior Services and Youth Programs 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 county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such county. 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.

4. 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 county 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 county 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 144.524, 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 taxes and penalty under this section, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any county 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 county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for the purpose of funding senior services and youth programs provided by the county?

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 county that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the county 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 county 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 county 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 county, the director shall remit the balance in the account to the county and close the account of that county. The director shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

9. Each county imposing the tax authorized in this section shall establish a senior services tax commission to administer the portion of the sales tax revenue dedicated to providing senior services. Such commission shall consist of seven members appointed by the county commission. The county commission shall determine the qualifications, terms of office, compensation, powers, duties, restrictions, procedures, and all other necessary functions of the commission."; and

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

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

Representative Villa offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Bill No. 805, Page 7, Section 135.010, Line 1, by inserting before 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, including the hiring of police officers and prosecuting attorneys?

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 144.524, 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. 7** was adopted.

Representative Wallace offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for Senate Bill No. 805, Page 1, Section A, Line 8, by inserting at the end of said line the following:

“50.327. [Notwithstanding any other provisions of law to the contrary,] **1.** The salary schedules contained in section 49.082, RSMo, sections 50.334 and 50.343, 51.281, RSMo 282, RSMo, 52.269, RSMo, 53.082, RSMo, 53.083, RSMo, 54.261, RSMo, 54.320, RSMo, 55.091, RSMo, 56.265, RSMo, 57.317, RSMo, [and] 58.095, RSMo, **and 473.742, RSMo**, shall be set as a base schedule for those county officials, unless the current salary of such officials, as of August 28, 2005, is **higher or** lower than the compensation provided under the salary schedules. Beginning August 28, 2005, the salary commission in all counties except charter counties in this state shall be responsible for the computation of salaries of all county officials; provided, however, that any percentage salary adjustments in a county shall be equal for all such officials in that county.

If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes, and all officers and offices shall receive the same percentage decrease.

2. In no event shall the base salary or compensation of a county collector in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants set on or after August 28, 2005, be reduced below the salary or compensation being paid on August 28, 2005. All actions or votes taken under the authority of section 50.333 between August 28, 2005, and December 31, 2005, shall be subject to this subsection and any such action or vote not in compliance with this subsection shall be void.”; and

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

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

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

House Amendment No. 9

AMEND House Committee Substitute for Senate Bill No. 805, Section 144.054, Page 29, Line 14, by deleting the word “**meat**” from said line and inserting in lieu thereof the following:

“**animal slaughtering defined under the North American Industry Classification System (NAICS) code of 311611**”; and

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

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

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

House Amendment No. 10

AMEND House Committee Substitute for Senate Bill No. 805, Page 9, Section 135.610, Line 54, by inserting after all of said line the following:

"137.055. 1. After the assessor's book of each county, except in the city of St. Louis **and any county with a charter form of government and with more than one million inhabitants**, shall be corrected and adjusted according to law, but not later than September twentieth, of each year, the county governing body shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on the several subjects of taxation so as to raise the required sum, and the same to be entered in the proper columns in the tax book. **In any county with a charter form of government and with more than one million inhabitants, the rate of taxes shall be fixed under this subsection no later than October twentieth of each year.**

2. Prior to fixing the rate of taxes, as provided in this section, the county governing body shall hold a public hearing on the proposed rate of taxes. A notice stating the time and place for the hearing shall be published in at least one newspaper qualified under the laws of Missouri of general circulation in the county at least seven days prior to the date of the hearing. The notice shall include the aggregate assessed valuation by category of real, total personal and other tangible property in the county as entered in the tax book for the fiscal year for which the tax is to be levied, the aggregate assessed valuation by category of real, total personal and other tangible property in the county for the preceding taxable year, the required sums to be raised from the property tax for each purpose for which the county levies taxes as approved in the budget adopted under chapter 50, RSMo, and the proposed rate of taxes which will produce substantially the same revenues as required by the budget. Failure of any taxpayer to appear at said hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this subsection absolves county governing bodies of responsibilities under section 137.073 nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations."; and

Further amend said bill, Page 9, Section 135.610, Line 54, by inserting after all of said line the following:

"137.079. **1.** Prior to setting its rate or rates as required by section 137.073, each taxing authority shall exclude from its total assessed valuation seventy-two percent of the total amount of assessed value of business personal property that is the subject of an appeal at the state tax commission or in a court of competent jurisdiction in this state. This exclusion shall only apply to the portion of the assessed value of business personal property that is disputed in the appeal, and shall not exclude any portion of the same property that is not disputed. If the taxing authority uses a multirate approach as provided in section 137.073, this exclusion shall be made from the personal property class. The state tax commission shall provide each taxing authority with the total assessed value of business personal property within the

jurisdiction of such taxing authority for which an appeal is pending no later than August twentieth of each year, **except as provided in subsection 2 of this section.** Whenever any appeal is resolved, whether by final adjudication or settlement, and the result of the appeal causes money to be paid to the taxing authority, the taxing authority shall not be required to make an additional adjustment to its rate or rates due to such payment once the deadline for setting its rates, as provided by this chapter, has passed in a taxable year, but shall adjust its rate or rates due to such payment in the next rate setting cycle to offset the payment in the next taxable year. For the purposes of this section, the term "business personal property", means tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property subject to the tables provided in section 137.078, the property of rural electric cooperatives under chapter 394, RSMo, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030.

2. In any county with a charter form of government and with more than one million inhabitants, the state tax commission shall provide each taxing authority with the total assessed value of business personal property within the jurisdiction of such taxing authority for which an appeal is pending no later than September first of each year."; and

Further amend said bill, Page 33, Section 144.440, Line 18, by inserting after all of said line the following:

"164.011. 1. The school board of each district annually shall prepare an estimate of the amount of money to be raised by taxation for the ensuing school year, the rate required to produce the amount, and the rate necessary to sustain the school or schools of the district for the ensuing school year, to meet principal and interest payments on the bonded debt of the district and to provide the funds to meet other legitimate district purposes. In preparing the estimate, the board shall have sole authority in determining what part of the total authorized rate shall be used to provide revenue for each of the funds as authorized by section 165.011, RSMo. Prior to setting tax rates for the teachers' and incidental funds, the school board of each school district annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 4 of section 165.011, RSMo. Furthermore the tax rate set in the capital projects fund shall not require the reduction of the equalized combined tax rates for the teachers' and incidental funds to be less than the greater of the minimum operating levy for the current year for school purposes established under subsection 2 of section 163.021, RSMo.

2. Except as provided in subsection 3 of this section, the school board of each district shall forward the estimate to the county clerk on or before September first. In school districts divided by county lines, the estimate shall be forwarded to the proper officer of each county in which any part of the district lies.

3. The school board of each district located in any county with a charter form of government and with more than one million inhabitants shall forward the estimate to the county clerk on or before October first.

164.011. 1. The school board of each district annually shall prepare an estimate of the amount of money to be raised by taxation for the ensuing school year, the rate required to produce the amount, and the rate necessary to sustain the school or schools of the district for the ensuing school year, to meet principal and interest payments on the bonded debt of the district and to provide the funds to meet other legitimate district purposes. In preparing the estimate, the board shall have sole authority in determining what part of the total authorized rate shall be used to provide revenue for each of the funds as authorized by section 165.011, RSMo. Except as provided in subsection 3 of this section, for the 1996-97 school year and thereafter, prior to setting tax rates for the teachers' and incidental funds, the school board of each school district annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 7 of section 165.011, RSMo, for expenditures authorized by section 177.088, RSMo, and after the following transfers if needed: in the 1996-97 school year, one-twelfth of the maximum transfer allowed by section 165.011, RSMo; in the 1997-98 school year, one-sixth of the maximum transfer allowed by section 165.011, RSMo; in the 1998-99 school year, one-half of the maximum transfer allowed by section 165.011, RSMo; and in the 1999-2000 school year and thereafter, one hundred percent of the transfers allowed by section 165.011, RSMo. Furthermore, except that the tax rate set in the capital projects fund shall not require the reduction of the equalized combined tax rates for the teachers' and incidental funds to be less than the greater of the minimum operating levy for the current year for school purposes established under subsection 2 of section 163.021, RSMo, or the 1993 tax rate as used for state aid purposes in section 163.031, RSMo, plus that portion of the full amount of any voter-approved increase in the tax rate ceiling as defined in section 137.073, RSMo, approved after the first day of January, 1994, and before the thirtieth day of March, 1994, as levied in the current year, in any

school district located in a county of the fourth classification that had an existing lease purchase arrangement for capital project purposes at the time of the election.

2. **Except as provided in subsection 4 of this section**, the school board of each district shall forward the estimate to the county clerk on or before September first. In school districts divided by county lines, the estimate shall be forwarded to the proper officer of each county in which any part of the district lies.

3. (1) For the 1997-98 school year and thereafter, prior to setting tax rates for the teachers' and incidental funds, the school board of each school district meeting the criteria specified in subdivision (2) of this subsection annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 7 of section 165.011, RSMo, for expenditures authorized by section 177.088, RSMo, and after one hundred percent of the transfers allowed by section 165.011, RSMo.

(2) Subdivision (1) of this subsection shall apply to each district which satisfies all of the following criteria:

(a) The district has a membership count for school year 1997-98 which is at least sixteen percent greater than the district's membership count for the 1991-92 school year; and

(b) The district passed a full waiver of Proposition C tax rate rollback pursuant to section 164.013, or approved an increase to the district's tax rate ceiling on or after June 1, 1994;

(c) The district is in compliance with or has paid all penalties required pursuant to section 165.016, RSMo, for the 1994-95, 1995-96 and 1996-97 school years without waiver or adjustment of the base school year certificated salary percentage; and

(d) The district approves, prior to July 1, 1998, a proposal to issue general obligation bonds which will cause the district's bonded indebtedness to be no less than eighty-five percent of the maximum bonded indebtedness of the district.

4. The school board of each district located in any county with a charter form of government and with more than one million inhabitants shall forward the estimate to the county clerk on or before October first."; and

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

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

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

House Amendment No. 11

AMEND House Committee Substitute for Senate Bill No. 805, Section 52.361, Page 1, Line 1, by inserting before said section the following:

"21.810. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Tax Policy" which shall be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house of representatives, appointed by the speaker of the house of representatives. A majority of the members of the committee shall constitute a quorum. The members shall annually select one of the members to be the chair and one of the members to be the vice chair. The speaker of the house of representatives and the president pro tem of the senate shall appoint the respective majority members. The minority leader of the house and the minority leader of the senate shall appoint the respective minority members. The members shall receive no additional compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties. No major party shall be represented on the committee by more than three members from the senate nor by more than three members from the house. The committee is authorized to meet and act year round and to employ the necessary personnel within the limits of appropriations. The staff of the committee on legislative research, house research, and senate research shall provide necessary clerical, research, fiscal, and legal services to the committee, as the committee may request.

2. It shall be the duty of the committee:

(1) To make a continuing study and analysis of the current and proposed tax policy of this state as it relates to:

- (a) Fairness and equity;
- (b) True economic impact;
- (c) Burden on individuals and businesses;
- (d) Effectiveness of tax expenditures;

- (e) Impact on political subdivisions of this state;
 - (f) Agreements and contracts with the federal government, other states and territories, political subdivisions, and private entities relating to the collection and administration of state and local taxes and fees;
 - (g) Compliance with the state and United States Constitution and federal and international law; and
 - (h) The effects of interstate commerce;
- (2) To make a continuing study and review of the department of revenue, the department of economic development, the state tax commission, and any other state agency, commission, or state executive office responsible for the administration of tax policies;
 - (3) To study the effects of the coupling or decoupling with the federal income tax code as it relates to the state income tax;
 - (4) To make recommendations, as and when the committee deems fit, to the general assembly for legislative action or to report findings and to the departments, commissions, and offices for administrative or procedural changes;
 - (5) To study the effects of a sales tax holiday; [and]
 - (6) To examine and assess the public benefit of any tax credit program that is the subject of an audit by the state auditor pursuant to section 620.1300, RSMo, and provide a report to the general assembly and the governor with the committee's findings and recommendations, if any, regarding such tax credit program within six months of receiving the audit report;

(7) To examine ratio studies of assessed valuation performed by the state tax commission under section 138.380, RSMo, and recommend to the general assembly any legislative action the committee deems necessary to achieve accurate assessed values for real property.

3. All state departments, commissions, and offices responsible for the administration of tax policies shall cooperate with and assist the committee in the performance of its duties and shall make available all books, records and information requested, except individually identifiable information regarding a specific taxpayer. The committee may also consult with public and private universities and academies, public and private organizations, and private citizens in the performance of its duties. The committee may contract with public and private entities, within the limits of appropriation, for analysis and study of current or proposed changes to state and local tax policy. The committee shall have the power to subpoena witnesses, take testimony under oath, compel the attendance of witnesses, the giving of testimony and the production of records.”; and

Further amend said bill, Section 55.190, Page 2, Line 13, by inserting after said section the following:

“67.110. 1. Each political subdivision in the state, except counties, shall fix its ad valorem property tax rates as provided in this section not later than September first for entry in the tax books. Before the governing body of each political subdivision of the state, except counties, as defined in section 70.120, RSMo, fixes its rate of taxation, its budget officer shall present to its governing body the following information for each tax rate to be levied: The assessed valuation by category of real, personal and other tangible property in the political subdivision as entered in the tax book for the fiscal year for which the tax is to be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivisions for the preceding taxable year, the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rate proposed to be set. Should any political subdivision whose taxes are collected by the county collector of revenue fail to fix its ad valorem property tax rate by September first, then no tax rate other than the rate, if any, necessary to pay the interest and principal on any outstanding bonds shall be certified for that year.

2. The governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens may be heard prior to their approval. The governing body shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, or such notice shall be posted in at least three public places within the political subdivision; except that, in any county of the first class having a charter form of government, such notice may be published in a newspaper of general circulation within the political subdivision even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the political subdivision for the fiscal year for which the tax is to be levied as provided by subsection 3 of section 137.245, RSMo, the assessed valuation by category of real, personal and other tangible property in the political subdivision for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by this chapter, and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as

required in the annual budget adopted as provided in this chapter. Following the hearing the governing body of each political subdivision shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this section absolves political subdivisions of responsibilities under section 137.073, RSMo, nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

3. Each political subdivision of the state shall fix its property tax rates in the manner provided in this section for each fiscal year which begins after December 31, 1976. New or increased tax rates for political subdivisions whose taxes are collected by the county collector approved by voters after September first of any year shall not be included in that year's tax levy except for any new tax rate ceiling approved pursuant to section 71.800, RSMo.

4. In addition to the information required under subsections 1 and 2 of this section, each political subdivision shall also include the increase in tax revenue due to an increase in assessed value as a result of new construction and improvement and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.”; and

Further amend said bill, Section 135.610, Page 9, Line 54, by inserting after said section the following:

“137.055. 1. After the assessor's book of each county, except in the city of St. Louis, shall be corrected and adjusted according to law, but not later than September twentieth, of each year, the county governing body shall ascertain the sum necessary to be raised for county purposes, and fix the rate of taxes on the several subjects of taxation so as to raise the required sum, and the same to be entered in the proper columns in the tax book.

2. Prior to fixing the rate of taxes, as provided in this section, the county governing body shall hold a public hearing on the proposed rate of taxes. A notice stating the time and place for the hearing shall be published in at least one newspaper qualified under the laws of Missouri of general circulation in the county at least seven days prior to the date of the hearing. The notice shall include the aggregate assessed valuation by category of real, total personal and other tangible property in the county as entered in the tax book for the fiscal year for which the tax is to be levied, the aggregate assessed valuation by category of real, total personal and other tangible property in the county for the preceding taxable year, the required sums to be raised from the property tax for each purpose for which the county levies taxes as approved in the budget adopted under chapter 50, RSMo, [and] the proposed rate of taxes which will produce substantially the same revenues as required by the budget, **and the increase in tax revenue realized due to an increase in assessed value as a result of new construction and improvement, and the increase, both in dollar value and percentage, in tax revenue as a result of reassessment if the proposed tax rate is adopted.** Failure of any taxpayer to appear at said hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this subsection absolves county governing bodies of responsibilities under section 137.073 nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

138.380. It shall be the duty of the state tax commission, and the commissioners shall have authority, to perform all duties enumerated in this section and such other duties as may be provided by law:

(1) To raise or lower the assessed valuation of any real or tangible personal property, including the power to raise or lower the assessed valuation of the real or tangible personal property of any individual, copartnership, company, association or corporation; provided, that before any such assessment is so raised, notice of the intention of the commission to raise such assessed valuation and of the time and place at which a hearing thereon will be held, shall be given to such individual, copartnership, company, association or corporation as provided in sections 138.460 and 138.470;

(2) To require from any officer in this state, on forms prescribed by the commission, such annual or other reports as shall enable said commission to ascertain the assessed and equalized value of all real and tangible property listed for taxation, the amount of taxes assessed, collected and returned, and such other matter as the commission may require, to the end that it may have complete information concerning the entire subject of revenue and taxation and all matters and things incidental thereto;

(3) To cause to be placed upon the assessment rolls at any time during the year omitted property which may be discovered to have, for any reason, escaped assessment and taxation, and to correct any errors that may be found on the assessment rolls and to cause the proper entry to be made thereon;

(4) To investigate the tax laws of other states and countries, to formulate and submit to the legislature such recommendations as the commission may deem expedient to prevent evasions of the assessment and taxing laws, whether the tax is specific or general, to secure just, equal and uniform taxes, and improve the system of assessment and taxation in this state;

(5) To prescribe the form of all blanks and books that are used in the assessment and collection of the general property tax, except as otherwise provided by law;

(6) To oversee the education and certification of all assessors and certain assessor staff as the commission deems appropriate;

(7) Conduct periodic ratio studies to determine the quality and level of assessments of real property for each assessment jurisdiction.

[138.395. The state tax commission shall notify each school district of the equivalent sales ratio for the previous year adopted for determining the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions of school foundation formula funds at least thirty days prior to the certification of such ratio to the department of elementary and secondary education, and shall provide the school district an opportunity for a meeting with the commission, or a duly authorized agent thereof, on such ratio prior to such certification. Prior to January 1, 1997, in certifying said ratios to the department of elementary and secondary education, the commission shall certify all ratios at thirty-three and one-third percent. On and after January 1, 1997, in certifying such ratios to the department of elementary and secondary education, the commission shall certify all ratios higher than thirty-one and two-thirds percent at thirty-three and one-third percent. On and after January 1, 1998, if the state tax commission, after performing the computation of equivalent sales ratio for the county and recomputing such computation to ensure accuracy, finds that such equivalent sales ratio for the county is less than or equal to thirty-one and two-thirds percent, the state tax commission shall reduce the county's reimbursement by fifteen percent the following year if it is not corrected by subsequent action of the state tax commission.]"; and

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

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

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

House Amendment No. 12

AMEND House Committee Substitute for Senate Bill No. 805, Page 33, Section 1, Line 4, by inserting after said line the following:

“Section 2. Notwithstanding the provisions of section 163.011, RSMo, for any school district located in more than one county and whose headquarters are located within a city of the fourth classification with more than two thousand five hundred but fewer than two thousand six hundred inhabitants and located in more than one county, the county signified in the school district shall be the county in the district with the highest dollar modifier.

Section B. Because immediate action is necessary for the immediate preservation of the public health, welfare, peace, and safety, the enactment of Section 2 of Section A of this act shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever later occurs.”; and

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

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

Representative Harris (23) offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Bill No. 805, Page 21, Section 140.730, Line 30, by inserting after all of said line the following:

"142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon;

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080, RSMo, to be collected as required under this chapter.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

3. Upon a determination that the motor fuel tax levied in subdivision (1) of subsection 1 of this section should be suspended in the interest of providing relief to consumers faced with rising motor fuel prices, the governor may suspend the imposition of up to ten cents per gallon of such tax. Such suspension shall be for a period of no longer than fourteen days, and each suspension may be renewed upon expiration. The director of revenue may promulgate rules to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void."; and

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

Representative Wright (137) offered **House Substitute Amendment No. 1 for House Amendment No. 13.**

*House Substitute Amendment No. 1
for
House Amendment No. 13*

AMEND House Committee Substitute for Senate Bill No. 805, by inserting the following:

"That the Department of Transportation may promulgate rules to suspend the state fuel tax on gasoline in this state."

Representative Stevenson offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 13.**

*House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 13*

AMEND House Substitute Amendment No. 1 to House Amendment No. 13 for House Committee Substitute for Senate Bill No. 805, Page 1, Line 5, after the word "state" insert thereafter the following:

“**This tax holiday shall be known as the Governor Blunt Gas Tax Holiday.**”; and

Further amend said bill, Line 2, by deleting the word “**may**” and insert “**shall have the authority to**”; and

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

On motion of Representative Stevenson, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 13** was adopted.

Representative Cooper (120) assumed the Chair.

On motion of Representative Wright (137), **House Substitute Amendment No. 1 for House Amendment No. 13, as amended**, was adopted.

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

House Amendment No. 14

AMEND House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Section 14, by inserting after said line the following:

“72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city. **Each fire protection district affected by this section may impose up to one percent sales tax as defined in section 312.552, RSMo.**

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area. The annexing city shall pay annually to the fire protection district an amount equal to that which the fire protection district would have levied on all taxable property within the annexed area. Such annexed area shall not be subject to taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by the fire protection district which existed prior to the annexation. The amount to be paid annually by the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual assessed value multiplied by the annual tax rate as certified by the fire protection district to the municipality, including any portion of the tax created for emergency medical service provided by the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not include any portion of the tax rate for bonded indebtedness incurred prior to such annexation. Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire protection district board of directors.

3. The fire protection district may approve or reject any proposal for the provision of fire protection and emergency medical services by a city.”; and

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

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

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

House Amendment No. 15

AMEND House Committee Substitute for Senate Bill No. 805, Section 1, Page 33, Line 4, by inserting after all of said line the following:

“Section 2. 1. As used in this section, "wind energy manufacturing facility" means a facility that, through the use of wind energy, produces electricity that is intended to be sold ultimately for final use or consumption, and includes the machinery and equipment used to produce the electricity, any substation or transformers located at the facility, and any access roads required to be built to support the delivery of equipment to the facility.

2. Notwithstanding any other provision of law to the contrary, in addition to all other exemptions granted under chapter 144, RSMo, there is hereby specifically exempted from the provisions of, and from any computation of the taxes levied, assessed, and payable under, sections 144.010 to 144.525 and 144.600 to 144.761, RSMo, tangible personal property purchased and used for the purpose of constructing or repairing a wind energy manufacturing facility located in this state and incorporated into or consumed in the construction or repair of the facility. Nothing in this section shall be construed to exempt the purchase of any construction machinery, equipment, or tools used in constructing or repairing the facility.”; and

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

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

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

House Amendment No. 16

AMEND House Committee Substitute for Senate Bill No. 805, Section 1, Page 33, Line 4, by inserting after all of said section the following:

“Section 2. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from all local sales taxes, as defined in section 32.085, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.757, and from the computation of the tax levied, assessed, or payable pursuant to all local sales taxes as defined in section 32.085, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.811, all admission fees charged for hunting or taking of domestically raised pheasants, partridges and quail on shooting areas licensed by the Missouri department of conservation.”; and

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

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

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

House Amendment No. 17

AMEND House Committee Substitute for Senate Bill No. 805, Page 7, Section 67.2510, Line 14, by inserting after said line the following:

“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.

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. 17** was adopted.

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

House Amendment No. 18

AMEND House Committee Substitute for Senate Bill No. 805, Page 29, Section 142.816, Line 282, by inserting after all of said line the following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the

extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal income taxes but disallowed against Missouri income taxes pursuant to this paragraph since July 1, 2002, may be carried forward and taken against any loss on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002; and

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependants.

(2) In addition to the subtractions in subsection 3 of this section, qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent included in federal adjusted

gross income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid. The amounts to be subtracted shall be as follows:

- (a) For tax year 2006, up to twenty percent of such qualified health insurance premiums;
- (b) For tax year 2007, up to forty percent of such qualified health insurance premiums;
- (c) For tax year 2008, up to sixty percent of such qualified health insurance premiums;
- (d) For tax year 2009, up to eighty percent of such qualified health insurance premiums; and
- (e) For tax years beginning on or after January 1, 2010, up to one hundred percent of such qualified health insurance premiums."; and

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

Representative Dixon assumed the Chair.

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

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

House Amendment No. 19

AMEND House Committee Substitute for Senate Bill No. 805, Section 67.2510, Page 7, Line 14, by inserting immediately after said line the following:

“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 Hobbs, **House Amendment No. 19** was adopted.

Representative Cooper (120) offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Committee Substitute for Senate Bill No. 805, Page 21, Section 142.816, Line 12, by inserting after all of said line the following:

"143.431. 1. The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 to 4 of this section, as is derived from sources within Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income the modifications to adjusted gross income provided in section 143.121 and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate dividends from sources within Missouri.

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes [and fifty percent or more of its income is derived from sources within this state as determined in accordance with section 143.451,] then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income.

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter, or with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri taxable income derived from sources within this state and in order to prevent avoidance of such tax liability.

4. [If a net operating loss deduction is allowed for the taxable year, there shall be added to federal taxable income the amount of the net operating loss modification for each loss year as to which a portion of the net operating loss deduction is attributable.] **(1) It is the intention of the general assembly that no Missouri taxpayer with an available unused federal net operating loss shall be required to pay Missouri income tax based on Missouri additions to federal taxable income to the extent that such available and unused federal net operating losses exceed such Missouri additions. There shall be no tax due under sections 143.011 to 143.996, to the extent that the amount of any available unused federal net operating loss exceeds Missouri additions to federal taxable income in any tax year. In addition, no person shall effectively be denied an otherwise allowable depreciation deduction under the provisions of sections 143.011 to 143.996 over the life of any asset as a result of the addition adjustment to federal taxable income required by section 143.121. For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount. Federal taxable income shall be adjusted by the amount of any available federal net operating loss carry forward or carry back, as modified by this section, such that any available loss may offset a net addition modifications as set forth herein.** As used in this subsection, the following terms mean:

[(1) "Loss year", the taxable year in which there occurs a federal net operating loss that is carried back or carried forward in whole or in part to another taxable year;

(2)] (a) "Net addition modification", for any taxable year, the amount by which the sum of all required additions to federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required subtractions from federal taxable income provided in this chapter;

[(3) "Net operating loss deduction", a net operating loss deduction allowed for federal income tax purposes under Section 172 of the Internal Revenue Code of 1986, as amended, or a net operating loss deduction allowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121, but not including any net operating loss deduction that is allowed for federal income tax purposes but disallowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121;

(4)] (b) "Net operating loss modification", [an amount equal to the lesser of the amount of the net operating loss deduction attributable to that loss year or the amount by which the total net operating loss in the loss year is less than the sum of:

(a) The net addition modification for that loss year; and

(b) The cumulative net operating loss deductions attributable to that loss year allowed for the taxable year and all prior taxable years.] **the amount of net operating loss deduction utilized as an offset against a net addition modification or the amount of any net subtraction modification as limited by subdivision (2) of this subsection.**

(c) "Net subtraction modification", for any taxable year, the amount by which the sum of all required subtractions from federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required additions to federal taxable income provided by this chapter;

(d) "Available net operating loss", the amount of federal net operating loss that may be carried to the tax year for use as an offset in determining Missouri taxable income, as adjusted by the net operating loss modification.

(2) For property purchased on or after July 1, 2002, but before July 1, 2003, sections 143.121(2)(c) and 143.121(3)(g) are specifically intended to allow for the deduction of depreciation expense pursuant to Section 168 of the Internal Revenue Code of 1986, as in effect on January 1, 2002. Where a subtraction modification under 143.121(3)(g) contributes to creation of a net subtraction modification, the amount of the net subtraction modification shall be added to the amount of the available net operating loss. This adjustment shall be limited to the lesser of the amount of the net subtraction modification or the amount of the subtraction modification required by section 143.121(3)(g).

(3) The amount of available net operating loss will be established and maintained for each tax year in which a federal net operating loss occurred. Net operating loss modifications will be made to amounts carried from any individual loss year in the order allowed under section 143.121(2)(d).

5. [For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount.] Subsection 4 of this section shall be effective for all tax years with a net operating loss deduction attributable to a loss year ending on or after July 1, 2002, and the net operating loss modification shall only apply to loss years ending on or after July 1, 2002."; and

Further amend said bill by amending the title and enacting clauses accordingly.

On motion of Representative Cooper (120), **House Amendment No. 20** was adopted.

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

House Amendment No. 21

AMEND House Committee Substitute for Senate Bill No. 805, Page 10, Section 139.031, Line 1, by inserting after "taxpayer," the following:

"upon total payment of the current tax bill".

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

Representative Smith (118) offered **House Amendment No. 22**.

House Amendment No. 22 was withdrawn.

Representative Nolte offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Committee Substitute for Senate Bill No. 805, Page 7, Section 67.2510, Line 14, 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. 23** was adopted.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 090

Baker 123	Bearden	Behnen	Bivins	Black
Bruns	Chinn	Cooper 120	Cooper 155	Cooper 158
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Guest	Hobbs
Hunter	Icet	Jackson	Johnson 47	Jones
Kelly	Kingery	Kraus	Lager	Lembke
Lipke	Loehner	May	McGhee	Moore

Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Smith 150
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wells	Weter	Wilson 119
Wood	Wright 137	Wright 159	Yates	Mr Speaker

NOES: 052

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Chappelle-Nadal	Corcoran	Curls	Dake	Darrough
Daus	Donnelly	El-Amin	Fraser	Harris 23
Harris 110	Hoskins	Hubbard	Hughes	Johnson 61
Johnson 90	Jolly	Kratky	Kuessner	Lampe
Liese	Low 39	Lowe 44	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Schoemehl	Skaggs	Storch	Swinger	Villa
Walton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 008

Casey	Frame	Haywood	Henke	LeVota
Meadows	Shoemyer	Whorton		

ABSENT WITH LEAVE: 012

Avery	Bean	Brown 30	George	Marsh
Pearce	Spreng	Vogt	Wagner	Walsh
Wasson	Wilson 130			

VACANCIES: 001

On motion of Representative Smith (14), **HCS SB 805, as amended**, was adopted by the following vote:

AYES: 106

Aull	Baker 123	Bearden	Behnen	Bivins
Black	Bogetto	Boykins	Bringer	Bruns
Chinn	Cooper 120	Cooper 155	Corcoran	Cunningham 145
Cunningham 86	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Fraser	Guest	Hobbs	Hubbard
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Jones	Kelly	Kingery	Kratky	Lager
Lembke	Liese	Lipke	Loehner	May
McGhee	Meadows	Meiners	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Page	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Quinn	Rector	Richard
Robb	Robinson	Rucker	Sander	Sater

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Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoemehl	Self	Shoemyer	Silvey	Smith 14
Smith 118	Smith 150	Stevenson	St. Onge	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Wallace	Wells	Weter	Wildberger	Wilson 119
Witte	Wood	Wright 137	Wright 159	Zweifel
Mr Speaker				

NOES: 047

Baker 25	Bland	Bowman	Brooks	Brown 50
Burnett	Casey	Chappelle-Nadal	Cooper 158	Curls
Dake	Darrough	Daus	Davis	Donnelly
El-Amin	Frame	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hughes	Johnson 90
Jolly	Kraus	Kuessner	Lampe	LeVota
Low 39	Lowe 44	Oxford	Pratt	Roark
Roorda	Ruestman	Salva	Skaggs	Storch
Wagner	Walton	Whorton	Wright-Jones	Yaeger
Yates	Young			

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Bean	Brown 30	Marsh	Spreng
Vogt	Walsh	Wasson	Wilson 130	

VACANCIES: 001

On motion of Representative Smith (14), **HCS SB 805, as amended**, was read the third time and passed by the following vote:

AYES: 104

Aull	Baker 123	Bearden	Behnen	Bivins
Black	Bogetto	Bringer	Bruns	Chinn
Cooper 120	Cooper 155	Corcoran	Cunningham 145	Cunningham 86
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Dougherty	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Fraser	Guest	Hobbs	Hubbard	Hunter
Icet	Jackson	Johnson 47	Jones	Kelly
Kingery	Kratky	Lager	Lampe	Lembke
Liese	Lipke	Loehner	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Page
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Quinn	Rector	Richard	Robb
Robinson	Rucker	Ruestman	Sander	Sater
Schaaf	Schad	Scharnhorst	Schlottach	Schneider
Schoemehl	Self	Silvey	Smith 14	Smith 118
Smith 150	Stevenson	St. Onge	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Wallace
Wells	Weter	Wilson 119	Witte	Wood
Wright 137	Wright 159	Zweifel	Mr Speaker	

NOES: 048

Baker 25	Bland	Bowman	Boykins	Brown 50
Burnett	Casey	Chappelle-Nadal	Cooper 158	Curls
Dake	Darrough	Daus	Davis	Donnelly
El-Amin	Frame	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hughes	Johnson 61
Johnson 90	Jolly	Kraus	Kuessner	LeVota
Low 39	Lowe 44	Oxford	Pratt	Roark
Roorda	Salva	Shoemyer	Skaggs	Storch
Wagner	Walton	Whorton	Wildberger	Wright-Jones
Yaeger	Yates	Young		

PRESENT: 000

ABSENT WITH LEAVE: 010

Avery	Bean	Brooks	Brown 30	Marsh
Spreng	Vogt	Walsh	Wasson	Wilson 130

VACANCIES: 001

Representative Dixon declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 126

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

NOES: 017

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Bivins	Bowman	Brown 50	Daus	Davis
Day	Dempsey	Dusenberg	Ervin	Fares
Haywood	Hoskins	Hughes	Kraus	LeVota
Wright-Jones	Yates			

PRESENT: 006

Brooks	Curly	Dake	Johnson 61	Roorda
Whorton				

ABSENT WITH LEAVE: 013

Avery	Bean	Brown 30	Hunter	Lipke
Marsh	May	Roark	Spreng	Vogt
Walsh	Wasson	Wilson 130		

VACANCIES: 001

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed Senator Green to replace Senator Coleman as conferee on **SS#2 SCS HCS HB 1456, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS HCS HB 1900, as amended** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SS HCS HB 1900**: Senators Shields, Gibbons, Scott, Green and Days.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA 3** to **SB 818** and has again taken up and passed **SB 818, as amended** by **HA 3**, but refuses to adopt **HA 2, as amended** to **SB 818** and requests the House to recede from its position and take up and pass the bill as amended by **HA 3**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SBs 872, 754 & 669, as amended**, and has taken up and passed **HCS SS SCS SBs 872, 754 & 669, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SCS SB 904, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SCS SBs 1001, 896 & 761, as amended**, and has taken up and passed **CCS HCS SCS SBs 1001, 896 & 761**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 1002** and has taken up and passed **HCS SB 1002**.

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

Emergency clause adopted.

BILLS CARRYING REQUEST MESSAGES

SB 766, with House Amendment No. 1, relating to income tax offsets, was taken up by Representative Bruns.

Representative Bruns moved that the House refuse to recede from its position on **House Amendment No. 1 to SB 766** and grant the Senate a conference.

Which motion was adopted.

HCS SS SCS SB 904, as amended, relating to management of state buildings, was taken up by Representative Lembke.

Representative Lembke moved that the House refuse to recede from its position on **HCS SS SCS SB 904, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SS SCS SB 894, as amended, relating to educational standards and guidelines, was taken up by Representative Muschany.

Representative Muschany moved that the House refuse to recede from its position on **HCS SS SCS SB 894, as amended**, and grant the Senate a conference.

Which motion was adopted.

Speaker Jetton resumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

SS HCS HB 1900: Representatives Dempsey, May, Pratt, LeVota and Skaggs

SB 766: Representatives Bruns, Nieves and Richard

HCS SS SCS SB 894: Representatives Muschany, Bearden, Cunningham (86), Aull and Corcoran

HCS SS SCS SB 904: Representatives Lembke, Quinn and Cooper (158)

Representative Dixon resumed the Chair.

THIRD READING OF SENATE BILL

HCS SS SB 1058, relating to judicial procedures and personnel, was taken up by Representative Pratt.

Representative Pratt offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 1, In the Title, Line 15, by deleting the section numbers "456.4-411A, 456.4-411B," and inserting in lieu thereof the section numbers "456.4A-411, 456.4B-411,"; and

Further amend said bill, Page 2, Section A, Line 13, by deleting the section numbers "456.4-411A, 456.4-411B," and inserting in lieu thereof the section numbers "456.4A-411, 456.4B-411,"; and

Further amend said bill, Page 3, Section A, Line 32, by deleting the section numbers "456.4-411A, 456.4-411B," and inserting in lieu thereof the section numbers "456.4A-411, 456.4B-411,"; and

Further amend said bill, Page 151, Section 456.3-301, Lines 11 and 12, by deleting the section number "**456.4-411A**" and inserting in lieu thereof the section number "**456.4A-411**"; and

Further amend said bill, Page 152, Section 456.4-411A, Line 1, by deleting the section number "456.4-411A" and inserting in lieu thereof the section number "**456.4A-411**"; and

Further amend said bill, Page 153, Section 456.4-411B, Line 1, by deleting the section number "456.4-411B" and inserting in lieu thereof the section number "**456.4B-411**"; and

Further amend House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section B, Page 199, Lines 1-4, by deleting all of said lines and inserting in lieu thereof the following:

"Section B. The provisions of sections 28.160 to 650.120 of section A of this act are severable. If any part of sections 28.160 to 650.120 of section A of this act is declared invalid or unconstitutional, it is the intent of the legislature that the remaining portions of sections 28.160 to 650.120 of section A of this act shall remain and be in full force and effect."; and

Further amend said substitute, Section E, Page 200, Lines 1-5, by deleting all of said lines; and

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

On motion of Representative Pratt, **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 1, In the Title, Line 19, by inserting at the end of said line the following:

"and sections 163.011 and 163.031 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session,"; and

Further amend said bill, Page 2, Section A, Line 17, by inserting after "RSMo," the following:

"and sections 163.011 and 163.031 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session,"; and

Further amend said bill, Page 13, Section 105.711, Line 217, by inserting after all of said line the following:

"163.011. As used in this chapter unless the context requires otherwise:

(1) "Adjusted operating levy", the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) "Average daily attendance", the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "Current operating expenditures":

(a) For the fiscal year 2007 calculation, "current operating expenditures" shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) "Dollar value modifier", an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) "County wage per job", the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) "Regional wage per job":

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated

upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) "Regional wage ratio", the ratio of the regional wage per job divided by the state median wage per job;

(d) "State median wage per job", the fifty-eighth highest county wage per job;

(6) "Free and reduced lunch pupil count", the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) "Limited English proficiency pupil count", the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) "Limited English proficiency threshold" shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) "Local effort":

(a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines **or less any decrease in the amount received for school purposes from fines in any school district located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006.** If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

"Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) "Weighted average daily attendance", the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district,

plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(e) For districts located entirely within any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that creates a county municipal court after January 1, 2006, and meets the criteria of paragraphs (a) through (d) of this subdivision, an additional payment amount equal to the decrease, if any, in the amount of revenue a district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005 shall be paid to any such qualified district.

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b) If a school district experiences a decrease in summer school average daily attendance of more than fifteen percent from the district's 2005-06 summer school average daily attendance in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid."; and

Further amend said bill, Page 200, Section E, Line 5, by inserting after all of said line the following:

"Section F. Because immediate action is necessary to ensure adequate funding for schools, the repeal and reenactment of sections 163.011 and 163.031 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the repeal and reenactment of sections 163.011 and 163.031 is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 163.011 and 163.031 of section A of this act shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever later occurs."; and

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

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

Representative Burnett offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section 260.205, Page 26, Line 297, by inserting after all of said line the following:

“302.546. 1. Any person who would be qualified to receive a driver’s license under the provisions of this chapter but for conduct that occurred in another state may file a petition in circuit court directing that a restricted driver’s license be issued to such person. The petition shall specify the conduct that would otherwise prevent the issuance of the license and request the court to enter judgment directing the license to be issued.

2. The petition shall be served on the director of the department of revenue who may request counsel, including the prosecuting attorney, to enter the case on the department’s behalf.

3. The petitioner shall bear the burden of proving by clear and convincing evidence that the terms imposed by the other state are inequitable. If the petitioner meets this burden, the court may enter judgment directing a license be issued, with the license bearing a restriction that it is valid only for purposes of driving in this state. Any such judgment shall include a method for satisfying the restrictions imposed by the other state, but the method may differ from that entered in the other state. No such judgment shall be entered that fails to give full faith and credit to the judicial judgments of the other state or that would violate section 302.600, RSMo.”;
and

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

On motion of Representative Burnett, **House Amendment No. 3** was adopted.

Representative Lembke offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 166, Section 477.005, Lines 1-9, by deleting all of said lines; and

Further amend said bill, Pages 170-171, Section 483.245, Lines 1-39, by deleting all of said lines; and

Further amend said bill, Pages 175-176, Section 488.2253, Lines 1-15, by deleting all of said lines; and

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

Representative Yates offered **House Amendment No. 1 to House Amendment No. 4.**

House Amendment No. 1 to House Amendment No. 4 was withdrawn.

Representative Yates offered **House Amendment No. 2 to House Amendment No. 4.**

House Amendment No. 2

to

House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 1, Lines 1-2, by deleting all of said lines; and

Further amend said amendment, Page 1, Line 4, by deleting the word “Further amend said bill” and inserting in lieu thereof the following:

“AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058,”; and

Further amend said amendment, Page 1, Lines 7-8, by deleting all of said lines; and

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

On motion of Representative Yates, **House Amendment No. 2 to House Amendment No. 4** was adopted by the following vote:

AYES: 118

Baker 123	Bearden	Behnen	Bivins	Black
Bland	Bogetto	Boykins	Brooks	Brown 50
Bruns	Burnett	Chinn	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Cunningham 86	Curls
Darrough	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Donnelly	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Fraser	Guest
Harris 23	Harris 110	Hobbs	Hughes	Hunter
Icet	Jackson	Johnson 47	Jolly	Jones
Kingery	Kratky	Kraus	Lager	Lampe
Lembke	Liese	Lipke	Loehner	Low 39
May	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Page	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Robb	Ruestman	Salva
Sander	Sater	Schad	Scharnhorst	Schlottach
Schneider	Schoemehl	Self	Silvey	Skaggs
Smith 14	Smith 118	Smith 150	Stevenson	St. Onge
Storch	Sutherland	Threlkeld	Tilley	Viebrock
Wagner	Wallace	Wells	Weter	Wildberger
Wilson 119	Wood	Wright 137	Wright 159	Yaeger
Yates	Young	Mr Speaker		

NOES: 031

Aull	Baker 25	Bowman	Bringer	Casey
Chappelle-Nadal	Dake	Daus	Frame	George
Haywood	Henke	Hoskins	Hubbard	Johnson 61
Johnson 90	Kuessner	LeVota	Lowe 44	Oxford
Robinson	Roorda	Rucker	Shoemyer	Swinger
Villa	Walton	Whorton	Witte	Wright-Jones
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 013

Avery	Bean	Brown 30	Dougherty	Kelly
Marsh	Roark	Schaaf	Spreng	Vogt
Walsh	Wasson	Wilson 130		

VACANCIES: 001

Representative Cooper (120) resumed the Chair.

On motion of Representative Lembke, **House Amendment No. 4, as amended**, was adopted.

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Page 167, Section 479.020, Line 1, by inserting immediately preceding said line the following:

“478.529. Beginning January 1, 2007, there is hereby created a state-funded family court commissioner position in the thirty-first judicial circuit.”; and

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

On motion of Representative Dixon, **House Amendment No. 5** was adopted.

Representative Johnson (90) offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section 610.021, Pages 184-185, Lines 111-120, by deleting all of said lines and inserting in lieu thereof the following:

“(22) Records and documents of and pertaining to internal investigations by a law enforcement agency into matters of fitness and conduct of a law enforcement officer employed by such investigating law enforcement agency used solely in connection with matters relating to the employment of such law enforcement officer, and records and documents pertaining to any determinations or actions relating to an officer’s employment status taken in connection with or following such investigations. However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under section 610.100 shall apply.”; and

Further amend said substitute, Section 610.100, Page 185, Line 29, by inserting after all of said line the following:

“However, if such records and documents are used or shared by an agency in a criminal investigation involving an officer, provisions regarding incident reports, investigative reports or other documents covered under this section shall apply.”; and

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

On motion of Representative Johnson (90), **House Amendment No. 6** was adopted.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

Baker 123	Bearden	Behnen	Bivins	Black
Bruns	Chinn	Cooper 120	Cooper 155	Cooper 158

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Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Guest	Hobbs	Hunter
Icey	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Loehner	May	McGhee	Moore	Munzlinger
Muschany	Nance	Nieves	Nolte	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Ruestman	Sander	Sater	Schaaf
Schad	Scharnhorst	Schlottach	Schneider	Self
Silvey	Smith 14	Smith 118	Smith 150	Stevenson
St. Onge	Sutherland	Threlkeld	Tilley	Viebrock
Wallace	Wells	Weter	Wilson 119	Wood
Wright 137	Wright 159	Yates	Mr Speaker	

NOES: 051

Aull	Baker 25	Bland	Bogetto	Bowman
Boykins	Bringer	Chappelle-Nadal	Corcoran	Curls
Dake	Darrough	Donnelly	El-Amin	Fraser
George	Harris 23	Harris 110	Haywood	Hoskins
Hubbard	Hughes	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meiners	Oxford	Robinson
Roorda	Rucker	Salva	Schoemehl	Shoemyer
Skaggs	Storch	Swinger	Villa	Walton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zweifel				

PRESENT: 010

Brown 50	Burnett	Casey	Daus	Frame
Henke	Meadows	Page	Wagner	Whorton

ABSENT WITH LEAVE: 012

Avery	Bean	Brooks	Brown 30	Dougherty
Marsh	Myers	Spreng	Vogt	Walsh
Wasson	Wilson 130			

VACANCIES: 001

On motion of Representative Pratt, **HCS SS SB 1058, as amended**, was adopted.

On motion of Representative Pratt, **HCS SS SB 1058, as amended**, was read the third time and passed by the following vote:

AYES: 147

Aull	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	Dusenberg	El-Amin	Emery
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	Jones
Kelly	Kingery	Kratky	Kraus	Lager
Lampe	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Salva	Sander	Sater	Schaaf	Schad
Scharmhorst	Schlottach	Schneider	Schoemehl	Self
Shoemyer	Silvey	Skaggs	Smith 14	Smith 118
Smith 150	Stevenson	St. Onge	Storch	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Wagner	Wallace	Walton	Wells	Weter
Wildberger	Wilson 119	Witte	Wood	Wright 137
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 002

Kuessner Whorton

PRESENT: 001

Jolly

ABSENT WITH LEAVE: 012

Avery	Bean	Brown 30	Dougherty	Lembke
Marsh	Myers	Spreng	Vogt	Walsh
Wasson	Wilson 130			

VACANCIES: 001

Representative Cooper (120) declared the bill passed.

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 adopted the Conference Committee Report on **HCS SCS SB 756**, and has taken up and passed **CCS HCS SCS SB 756**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SCS SB 892, as amended** and has taken up and passed **HCS SS SCS SB 892, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HA 1** to **SCS SB 1008** and has taken up and passed **SCS SB 1008, as amended.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SB 1017, as amended,** and has taken up and passed **CCS HCS SB 1017.**

COMMUNICATION

May 10, 2006

Mr. Steve Davis
Chief Clerk
Missouri House of Representatives
Jefferson City, MO 65101

Dear Mr. Davis:

I am removing Representative Brian Munzlinger from the Conference Committee for **HCS SCS SB 773.** I am placing Representative Mike Cunningham in his place.

Sincerely,

/s/ Rod Jetton

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 1270 & 1027

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 & 1027, with Senate Amendment No. 2, Senate Amendment No. 5, and Senate Amendment No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 & 1027, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1270 & 1027;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1270 & 1027, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Cauthorn
/s/ David Klindt
/s/ Charles Shields
/s/ Timothy P. Green
/s/ Frank A. Barnitz

FOR THE HOUSE:

/s/ Robert Behnen
/s/ Robert Thane Johnson
/s/ Peter Myers
/s/ Martin T. Rucker
/s/ Wes Shoemyer

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1306**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, with Senate Amendment Nos. 1, 2, 3, 4, 6, and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1306;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1306, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jason Crowell
/s/ Norma Champion
/s/ Gary Nodler
/s/ Harry Kennedy
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Todd Smith
/s/ Ward Franz
/s/ James Viebrock
/s/ Patricia M. Yaeger
/s/ John Burnett

**CONFERENCE COMMITTEE REPORT NO. 2
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE NO. 2
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NOS. 1014 & 730**

The Conference Committee appointed on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 1014 & 730, with House Amendment Nos. 1 & 3 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 7, and House Amendment No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 1014 & 730, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 1014 & 730;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 1014 & 730, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott
/s/ Michael R. Gibbons
/s/ Carl Vogel

FOR THE HOUSE:

/s/ Bryan P. Stevenson
/s/ Bob May
/s/ Ryan Silvey

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1017**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 1017, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, and House Amendment No. 2, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 1017, as amended;
2. That the Senate recede from its position on Senate Bill No. 1017;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 1017, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Clemens
/s/ Robert Mayer
/s/ Bill Stouffer
/s/ Timothy P. Green
/s/ Charles Wheeler

FOR THE HOUSE:

/s/ Tom Loehner
/s/ Peter Myers
/s/ Darrell Pollock
/s/ Charles A. Dake
/s/ Belinda Harris

The following member's presence was noted: Wilson (130).

RECESS

Representative Dempsey moved the House stand in recess until 1:00 a.m. or until the Conference Committee Reports on **SS HCS HB 1900, as amended**, and **SS SCS HCS HBs 1698, 1236, 995, 1362 & 1290, as amended**, have been distributed, and then stand adjourned until 9:30 a.m., Thursday, May 11, 2006.

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE NO. 2
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1456**

The Conference Committee appointed on Senate Substitute No. 2 for House Committee Substitute for House Bill No. 1456, with Senate Amendment No. 2, Senate Amendment No. 5, Senate Amendment No. 1 to Senate Amendment No. 9, Senate Amendment No. 9, as amended, and Senate Amendment No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for House Committee Substitute for House Bill No. 1456, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1456;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for House Committee Substitute for House Bill No. 1456, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Luann Ridgeway
/s/ Chris Koster
/s/ Jason Crowell

FOR THE HOUSE:

/s/ Brad Roark
/s/ Steve Hunter
/s/ David Day

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1900**

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 1900, with Senate Substitute Amendment No. 1 for Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 1 to Senate Amendment No. 4, Senate Amendment No. 4, as amended, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended, and Senate Amendment No. 10 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 1900, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 1900;

3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 1900, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charles Shields
/s/ Michael R. Gibbons
/s/ Delbert Scott
/s/ Timothy P. Green
/s/ Rita Heard Days

FOR THE HOUSE:

/s/ Tom Dempsey
/s/ Bob May
/s/ Bryan Pratt

**CONFERENCE COMMITTEE REPORT
ON
SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 1698, 1236, 995, 1362 & 1290**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, with Senate Amendment Nos. 2, 3, 4, 5, 6, and 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1698, 1236, 995, 1362 & 1290, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Matt Bartle
/s/ Chris Koster
/s/ Michael R. Gibbons
/s/ Rita Heard Days
/s/ Victor Callahan

FOR THE HOUSE:

/s/ Scott A. Lipke
/s/ Steven Tilley
/s/ Kenny Jones
/s/ Connie Johnson
/s/ Rick Johnson

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 10th day of May in the year 2006.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Bob May, District 149, hereby state and affirm that my vote as recorded on the motion to adopt HA 1 to HA 2 to HCS SS SCS SB 590 as recorded in the House Journal for Wednesday, May 10, 2006 showing that I voted "absent with leave" was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted "aye". I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 10th day of May 2006.

/s/ Bob May
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 10th day of May in the year 2006.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Robin Wright Jones, District 63, hereby state and affirm that my vote as recorded on the motion to adopt the emergency clause to SB 822 as recorded in the House Journal for Wednesday, May 10, 2006 showing that I voted "absent with leave" was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted "aye". I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 10th day of May 2006.

/s/ Robin Wright Jones
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 10th day of May in the year 2006.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

FISCAL REVIEW

Thursday, May 11, 2006, 8:00 a.m. Hearing Room 4.

Any bills or matters referred to the Fiscal Review Committee.

Executive session may follow.

FISCAL REVIEW

Friday, May 12, 2006, 8:00 a.m. Hearing Room 4.

Any bills or matters referred to the Fiscal Review Committee.

Executive session may follow.

SPECIAL COMMITTEE ON IMMIGRATION REFORM

Thursday, May 11, 2006, 12:00 p.m. Hearing Room 7.

Informational meeting only. AMENDED

HOUSE CALENDAR

SEVENTY-SECOND DAY, THURSDAY, MAY 11, 2006

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 40 - Avery
- 2 HJR 44 - Whorton
- 3 HCS HJR 48 - Bearden
- 4 HCS HJR 31 - Cunningham (86)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1151 - Cunningham (86)
- 2 HCS HB 974 - Davis
- 3 HB 1498 - Dethrow (4 hours debate on Perfection)
- 4 HB 1071 - Phillips
- 5 HCS HB 1378, 1379, 1391 & 1541 - St. Onge
- 6 HCS HB 1487 - Parker
- 7 HCS HB 1726 - Johnson (47)
- 8 HCS HB 1155 - Yates
- 9 HCS HB 1194 - Cunningham (86)
- 10 HCS HB 1162 - Deeken
- 11 HB 1412 - Portwood
- 12 HCS HB 1928 - Ervin
- 13 HCS HB 1939 - Hunter
- 14 HCS HB 1607 - Schneider
- 15 HCS HB 1761 - Loehner
- 16 HB 1975 - Cunningham (145)
- 17 HB 1560 - Bearden
- 18 HB 1642 - Cunningham (145)
- 19 HB 1704, as amended - St. Onge

- 20 HCS HB 1749 - Cooper (120)
- 21 HB 2038 - Moore
- 22 HCS HB 1651 & 1608 - Yates
- 23 HB 2111 - Hubbard
- 24 HCS HB 1868 - Faith
- 25 HCS HB 2040 - Richard
- 26 HB 1537 - Schaaf
- 27 HCS HB 2047 - Johnson (47)
- 28 HCS#2 HB 2008, 1218 & 1062 - Muschany
- 29 HB 1946 - El-Amin
- 30 HB 1184 - Stevenson
- 31 HCS HB 1340, 1549, 1918 & 1998 - Schlottach
- 32 HCS HB 1968 - Zweifel
- 33 HCS HB 1147 - Bivins
- 34 HCS HB 1465 - Hunter
- 35 HCS HB 1600 - Viebrock
- 36 HCS HB 1730 - Schlottach
- 37 HCS HB 1089 - Schaaf
- 38 HCS HB 1751 - Munzlinger
- 39 HCS HB 1273 & 1136 - Baker (123)
- 40 HCS HB 1327 - Schaaf
- 41 HB 1853 - Bland
- 42 HCS HB 2016 - Schlottach

HOUSE BILL FOR PERFECTION - INFORMAL

HCS HB 1783 & 1479 - Bearden (3 hours debate on Perfection)

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 30, (3-29-06, Pages 753-754) - Wilson (130)
- 2 HCS HCR 33, (4-18-06, Page 1108) - Dethrow
- 3 HCR 40, (4-13-06, Pages 1072-1073) - Ervin
- 4 HCR 26, (4-19-06, Pages 1141-1142) - Dixon
- 5 HCR 36, (4-19-06, Pages 1144-1145) - Hunter
- 6 HCR 31, (4-24-06, Pages 1206-1207) - Fraser
- 7 HCR 49, (4-27-06, Pages 1316-1317) - Emery
- 8 HCS HCR 34, (4-12-06, Page 1042) - Myers
- 9 HCR 23, (3-14-06, Pages 544-545) - Wilson (130)

SENATE JOINT RESOLUTION FOR THIRD READING

SJR 26 - Jackson

SENATE BILLS FOR THIRD READING - CONSENT

- 1 HCS SB 712, E.C. - Bruns
- 2 SCS SB 870, E.C. - Cooper (158)
- 3 SB 881 - Robinson
- 4 SB 919 - Rector
- 5 SB 931 - Parson
- 6 SB 964 - Jackson
- 7 SB 990, as amended - Bruns
- 8 SCS#2 SB 1003, E.C. - Bruns
- 9 SB 1057 - Behnen
- 10 SCS SB 1059 - Roorda
- 11 SCS SB 1060 - Jackson
- 12 SB 1085 - Cooper (155)
- 13 SB 1139 - Yaeger
- 14 SB 1146 - Pratt
- 15 SB 1197 - Viebrock
- 16 SB 1208 - Pratt
- 17 SB 1216 - Wasson

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 878 - Stevenson
- 2 HCS SCS SB 1048 - Schaaf
- 3 HCS SB 629, as amended, HA 3, pending - Faith
- 4 HCS SB 697 - St. Onge
- 5 SB 726 - May
- 6 SB 779 - Harris (110)
- 7 HCS SB 908 - St. Onge
- 8 HCS SCS SB 1064 - St. Onge
- 9 HCS SB 735 - Pratt
- 10 SB 1101 - Schlottach
- 11 HCS SCS SB 1175 - Nance
- 12 HCS SS SCS SB 590, as amended, HA 4, pending, E.C. - Kingery
- 13 HCS SS SCS SBs 613, 1030 & 899, E.C. - Cooper (120)
- 14 HCS SS SCS SB 825 - Pratt
- 15 HCS SCS SB 915 - Rector
- 16 HCS SB 951 - Nance
- 17 SB 643 - Smith (118)
- 18 HCS SCS SB 925 - Bivins
- 19 HCS SB 884 - Johnson (47)
- 20 HCS SB 965 - Threlkeld
- 21 HCS SCS SB 968 - Walsh
- 22 SS SCS SB 718 - Pearce
- 23 HCS SB 780 - Rector
- 24 HCS SS SCS SB 882 - Cooper (120)
- 25 SB 938 - St. Onge
- 26 SCS SB 1081 - Bivins

- 27 SS SCS SB 1236 - Tilley
- 28 HCS SCS SB 646, E.C. - Schlottach
- 29 HCS SCS SB 746 - Whorton
- 30 HCS SS SCS SB 969 - St. Onge
- 31 HCS SS SCS SB 1229 - Dixon
- 32 HCS SS SCS SB 976, E.C. - Robb
- 33 SCS SB 1222 - Wasson
- 34 SCS SBs 1239 & 1091, (Fiscal Review 5-04-06) - Sater
- 35 HCS SB 689 - May
- 36 HCS SS SCS SB 953 - Dempsey
- 37 HCS SCS SB 616, (Fiscal Review 5-09-06) - Bruns
- 38 HCS SB 770 - Lipke
- 39 HCS SB 873 - Lipke
- 40 HCS SB 1037 - Rector
- 41 SCS SB 1140 - Sutherland
- 42 HCS#2 SCS SB 1221, (Fiscal Review 5-09-06) - Lipke
- 43 HCS SCS SBs 567 & 792, (Fiscal Review 5-10-06) - Schaaf
- 44 HCS SS SCS SB 895 - Wilson (130)
- 45 HCS SCS SBs 1185, 1163, 1174, 1200 & 1225, (Fiscal Review 5-10-06), E.C. - Lipke
- 46 HCS SCS SBs 905 & 910 - Yates
- 47 HCS SCS SB 961 - St. Onge
- 48 SCS SBs 1031 & 846 - Schlottach
- 49 HCS SS SCS SB 1041 - Weter
- 50 HCS SS SCS SBs 1210, 1244 & 844 - Pratt
- 51 HCS SB 977 - Jones

SENATE CONCURRENT RESOLUTION FOR THIRD READING

SCS SCR 24, (4-13-06, Pages 1078-1079) - Ruestman

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 998, SPA 1 - Smith (118)
- 2 SS SCS HCS HB 1026, E.C. - Rucker
- 3 SCS HCS HB 1380 - St. Onge
- 4 SS SCS HCS HB 1168 - Tilley
- 5 SCS HCS HB 1367, as amended - Hobbs
- 6 SS#2 HB 1320 - Lipke

BILLS CARRYING REQUEST MESSAGES

- 1 CCS SCS HB 1865, as amended
(request House recede/take up and pass bill or grant further conference) - Bearden
- 2 SB 818, as amended
(request House recede on HA 2, as amended/take up and pass bill) - Smith (118)

BILLS IN CONFERENCE

- 1 CCR SCS HCS HB 1270 & 1027, as amended - Behnen
- 2 CCR HCS SCS SBs 1001, 896 & 761, as amended, E.C. - St. Onge
- 3 CCR#2 HCS SCS SB 932 - Wilson (119)
- 4 HCS SCS SB 773, as amended - Fisher
- 5 CCR HCS SCS SB 666, as amended - Bruns
- 6 CCS SCS HCS HB 1022, as amended - Icet
- 7 CCR#2 HCS SS#2 SCS SBs 1014 & 730, as amended, E.C. - Stevenson
- 8 CCR HCS SCS SB 756 - Behnen
- 9 CCR SS SCS HCS HB 1306, as amended - Smith (118)
- 10 CCR HCS SB 1017, as amended - Loehner
- 11 CCR SS SCS HCS HB 1698, 1236, 995, 1362 & 1290, as amended, E.C. - Lipke
- 12 HCS SS SB 696, as amended - Flook
- 13 HCS SS SCS SB 832, as amended - Johnson (47)
- 14 CCR SS#2 HCS HB 1456, as amended - Roark
- 15 CCR SS HCS HB 1900, as amended - Dempsey
- 16 SB 766, HA 1 - Bruns
- 17 HCS SS SCS SB 904, as amended - Lembke
- 18 HCS SS SCS SB 894, as amended, E.C. - Muschany

SENATE CONCURRENT RESOLUTIONS

- 1 SCS SCR 21, (1-24-06, Pages 115-116) - Ervin
- 2 SCS SCR 25, (2-16-06, Pages 273-274) - Dixon
- 3 SCR 27, (3-16-06, Pages 631-632) - Cooper (158)
- 4 HCS SCR 31, (4-26-06, Pages 1281-1282) - Dethrow
- 5 SCR 29, (4-27-06, Pages 1081-1082) - Moore

HOUSE RESOLUTIONS

- 1 HCS HR 1131, (4-13-06, Pages 1074-1075) - Hughes
- 2 HR 1930, (4-27-06, Pages 1315-1316) - Emery
- 3 HR 1475, (4-25-06, Pages 1252-1253) - Wright (137)
- 4 HR 2439, (4-27-06, Pages 1318-1319) - Wood
- 5 HR 2446, (5-08-06, Pages 1646-1647) - Page
- 6 HR 558, (4-27-06, Pages 1317-1318) - Walton
- 7 HCS HR 2295, (5-02-06, Pages 1428-1429) - Emery